

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, November 6, 2001
Tuesday, 9:00 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Rev David Anders , Westside Baptist Church, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved The Minutes of the regular meeting of October, 23, 2001, were approved 7 to 0.

AWARDS AND PRESENTATIONS

PRESENTATIONS Chief Norman Williams presented the Mayor a replica of the Webber Seavey Award presented to the Wichita Police Department earlier this year. It was in recognition of the Wichita Police Department's innovation and leadership in the field of policing.

PROCLAMATIONS Proclamations previously approved were presented.

UNFINISHED BUSINESS

VEH RENTAL TAX. VEHICLE RENTAL OCCUPATION TAX.

Mayor Knight declared a conflict of interest and abstained from participation.

Vice Mayor Pisciotte in the Chair.

Agenda Report No. 01-1193A

This Item was continued from October 23, 2001. There are a wide variety of taxes and fees imposed on vehicle rental revenues. Nearly all states impose a sales tax on vehicle rentals (locally, this includes a 4.9% state sales tax and a 1% county sales tax). Many, but not all, states also impose a statewide excise tax on vehicle car revenue (in Kansas, the rate for this tax is 3.5%, which is offset by an exemption from motor vehicle taxes on rental vehicles).

In recent years, many U.S. cities have imposed local taxes and fees on rental vehicle revenue to benefit economic development and tourism-related initiatives. The City of Wichita imposes no such local tax or fee, although the Airport assesses a 10% concession fee. Though this fee is consistent with similar fees assessed by most airports around the country, it does place airport-based rental vehicle companies at a competitive disadvantage with their non-airport-based peers. In Wichita, the total tax and fee rate on airport-based rental vehicle transactions is 19.4%. In a sampling of over 30 mid-sized U.S. cities the total tax and fee percentage for airport rentals averages 21.3% (in addition to which, many cities also assess a flat surcharge averaging \$1.22).

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It is proposed to initiate a Vehicle Rental Occupation Tax for designated purposes as the City Council deems appropriate. The revenues from such an occupation tax can be earmarked to further the goals of the Tourism Initiative, including promotion of low airfares.

The recommended Vehicle Rental Occupation Tax in Wichita is proposed to accomplish three objectives: 1) not increase the total rate for airport-based vehicle rental companies and retain the City's current competitive rate advantage against the average rate for mid-sized cities; 2) narrow the margin in tax and fee rates between airport-based vehicle rental companies and their non-airport-based competitors while retaining a significant concession fee for airport-based vehicle rental companies who enjoy special market share benefits from access to the Airport campus and to the Airport customer base; and 3) create resources to support the initiatives for tourism and lower airfares.

The plan of finance enacts a \$1 per rental day occupation tax together with reduction of the Airport concession fee from 10% to 8%. While the reduction of the concession fee at the Airport will impact annual Airport income, the Airport budget is favorably positioned to absorb the marginal reduction in revenues. The City can also use a portion of the funds generated by the city-wide vehicle rental tax as part of the funding for local initiatives promoting lower cost airfares in Wichita (or other initiatives promoting aviation and airport-related development).

City-wide, each percentage point generates approximately \$330,000 annually. A flat rate per rental vehicle day generates approximately \$700,000. The flat tax will generate a slightly larger percentage of revenue than a comparable percentage tax because the base daily rental rate for a vehicle is typically far less than \$100 (usually around \$45). The proposal would result in an overall rate (for airport rentals) of 17.4% plus a \$1 surcharge, thus lowering the City's total average even further below the mid-sized city average, and at the same time closing the differential between vehicle rental companies within Wichita.

It is expected that the proposed occupation tax would generate approximately \$700,000 annually, less expenses for the administration (i.e. collection, auditing, etc.) of the occupation tax city-wide. The administrative costs would total about \$75,000 in 2002.

The City of Wichita has authority under KSA 12-194 to implement an occupation tax. To create a Rental Vehicle Occupation Tax, the Law Department has advised following the provisions of KSA 12-137. This would require the enactment of an ordinance by a 2/3 vote; publishing the ordinance for two weeks; and making the tax effective 61 days after the final publication.

Vice Mayor Pisciotte

Vice Mayor Pisciotte stated that he had received information from individuals, including Mindy Dodd, who was in attendance at the Council Meeting; and Council Member Fearey had told him she'd like more time in order to do an analysis; and that he would like to again defer the Item.

Motion --

Pisciotte moved that this Item be deferred for approximately one month, or until such time as Staff is able to meet with various interests in community; then return to City Council with recommendations.

-- carried

Motion carried 6 to 0. (Knight abstained)

Mayor Knight in the Chair.

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NEW BUSINESS

BOEING IRB

PUBLIC HEARING AND ISSUANCE OF INDUSTRIAL REVENUE BONDS – THE BOEING COMPANY. (District III)

Council Member Brewer declared a conflict of interest and abstained from participation.

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 01-1210.

Since 1979, the City of Wichita has approved over \$3 billion in Industrial Revenue bond financing, in conjunction with ad valorem tax exemptions, to Boeing Commercial Airplanes Group, Wichita Division “Boeing Wichita”, a division of The Boeing Company. Boeing Wichita is now requesting the issuance of City of Wichita Industrial Revenue Bonds in an amount not-to-exceed \$84 million, under the authority of the Letter of Intent approved November 9, 1999.

Boeing Wichita, located on both sides of Oliver Street from 31st Street South to South of 47th Street, is Kansas’ largest employer, with approximately 17,000 employees and an annual payroll slightly under \$1 billion. Boeing Wichita is engaged in manufacturing support of Boeing commercial airplanes and commercial and military aircraft modification. All Boeing Wichita sales are exported out of the state of Kansas.

Bond proceeds will be used for acquisition of new, advanced manufacturing equipment and enhancement of existing facilities. Some of the planned equipment purchases include test equipment laser systems, bridge mills, skin mills, material handling equipment and modification support equipment airplane program tooling. Boeing advises the new equipment will have no adverse effect on Wichita’s ambient air quality.

Acquisition of advanced technologies and the construction of new facilities is required for Boeing Wichita to compete for commercial and military production, in addition to sustaining on-going production programs. Bond proceeds will have a substantial impact in stabilizing Boeing Wichita employment, thereby helping Wichita retain In these difficult times, the bond proceeds will not have an immediate impact in stabilizing employment in the near term but will substantially assist with helping Boeing Wichita retain critical professional, technical, and highly skilled employees. The economic impact of planned upgrades and expansion has a direct effect on engineering and architect firms, machine shops, and material providers in Wichita.

The firm of Kutak Rock of Omaha, Nebraska will serve as bond counsel in the transaction. The Boeing Company will purchase the Bonds, as a result of which, there is no need for an underwriter. Boeing Wichita has agreed to comply with the Standard Conditions contained in the City’s IRB Policy.

The Boeing Company agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. The Boeing Company qualifies for a ten-year 100% property tax exemption on the bond financed property on the basis of membership in the local aircraft manufacturing community, level of capital investment, and 100% out-of-state sales exportation. Consistent with the intent of the City Council in its action approving the November 9, 1999 letter of intent, the ten-year period of exemption is to apply without a review by the Council at the five-year point. The IRB Lease document to be approved by the Bond Ordinance has been drafted accordingly. This is consistent with all discussion had at the public hearing on the item, although references to a five-year review were inadvertently included in the November 9, 1999 minutes from a superseded agenda report.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

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Motion --

Lambke moved that the public hearing be closed, first reading of the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds in an amount not-to-exceed \$84 million be approved; and the necessary signatures be authorized. Motion carried 6 to 0.

-- carried

(Brewer abstained)

ORDINANCE

An Ordinance approving and authorizing the execution of a Lease Agreement between the Boeing Company and the City of Wichita, Kansas; approving and authorizing the executive of an Indenture of Trust between said City and BNY Trust Company of Missouri; pledging certain payments under said Lease Agreement and moneys and securities held by the Trustee under the terms of said Indenture of Trust; authorizing and directing the issuance of Industrial Revenue Bonds Series X, 2001 (The Boeing Company Project) of said City in the principal amount of \$84,000,000 for the purpose of providing funds for the acquisition, construction, reconstruction and improvement of certain industrial and manufacturing facilities of the Boeing Commercial Airplane Group, Wichita Division, a division of the Boeing Company, a Delaware Corporation, in Sedgwick County, Kansas; designating the Trustee and the paying agent for said Bonds; authorizing the sale of said bonds and the execution of a Bond Purchase Agreement therefore; approving and authorizing the execution of an Administrative Service Fee Agreement; and authorizing the execution and delivery of certain related instruments, introduced and under the rules laid over.

O.K. HOLDINGS

O.K. HOLDINGS, L.L.C., SECOND FIVE-YEAR TAX EXEMPTION. (District IV)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 01-1211.

On December 20, 1994, City Council approved an Economic Development Tax Exemption on ad valorem taxes for O.K. Holdings, L.L.C. (O.K. Holdings). Under the City Business Incentive Policy, O.K. Holdings qualified for a 90 percent tax exemption for real property and 45 percent for a second five-year period. On December 31, 2001, the initial five-year period for tax exemption will expire. O.K. Holdings, requests City Council extend the tax exemption to include the second five-years on the ad valorem tax exemption on real property only.

As a result of the tax exemption, O.K. Holdings committed to undertake an expansion consisting of the construction of a 16,000 square feet manufacturing facility, purchase of machinery equipment, and creating 30 new jobs within five years. A measure of initial project commitments and outcomes are as follows:

1995 Commitment	December 31, 2000
· Construct new manufacturing space: by December, 2000	Completed 16,000 s.f. facility
· Purchase Manufacturing Equipment over 207,800	Purchased equipment worth
· Create 30 new jobs in five years	Created 20 new jobs

Staff conducted a site-monitoring visit on October 2, 2001. Although some jobs are not filled due to difficulty in finding qualified employees, O.K. Holdings, has an aggressive employee recruitment program in place to help find qualified workers. O.K. Holdings increased sales by more than 25% since 1995, and diversified its customer base.

Under the City's Business Incentive Policy, O.K. Holdings, Inc., qualifies for a 45 percent ad valorem tax exemption for an additional five-years on real property only. Personal property purchased in conjunction with the 1995 expansion project will be placed on the tax roll for 2002.

The second five-year tax exemption on real property in conjunction with the original expansion project is at the discretion of the Council.

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Mayor Knight Mayor Knight inquired if anyone wished.

Randy Boles Mr. Boles reported O.K. Holdings has created 20 new jobs and plan to have the 30 new jobs within the next five years.

Jeff Longwell Mr. Longwell, representing Thermal Trade Graphics, an advertising company that was based in Kansas City, reported that Thermal Trade Graphics moved from Kansas City as a result of the O.K. Holdings expansion.

Motion -- Gale moved that a second five-year ad valorem tax exemption at 45 percent on real property only be -- carried approved. Motion carried 7 to 0.

PAVING

PETITION TO PAVE 50TH STREET SOUTH, FROM SENECA TO SYCAMORE; OSAGE, FROM SUNRISE TO 50TH STREET SOUTH; AND SYCAMORE, FROM SUNRISE TO 50TH STREET SOUTH. (District IV)

Mike Lindebak City Engineer reviewed the Item.

Agenda Report No. 01-1212

The signatures on the Petition represent 1 of 23 (4%) resident owners and 60.6% of the improvement district area. The project was discussed by the District IV Advisory Board on October 3, 2001. The Board voted 6-0 to recommend approval.

The Petition is a platting requirement for Angel Acres 2nd Addition, a new single-family development. A portion of South Seneca Gardens Second Addition, an established development on the south side of Angel Acres 2nd Addition, is also in the proposed improvement district.

The project budget contained in the Petition is \$259,600 with the total assessed to the improvement district. The method of assessment is the fractional basis. The estimated assessment to individual properties is \$8,800 for lots in Angel Acres 2nd Addition and \$2,200 for the existing lots on the south side of Angel Acres 2nd Addition. The existing homes are receiving a side street assessment only.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners, or by the owners of the majority of the property in the improvement district.

Mayor Knight Mayor Knight inquired if anyone wished to be heard.

Bob Self Mr. Self stated Sunrise has just been paved and the taxes are still being paid for that. He believes that approximately 70% of the individuals in this area are on fixed incomes. He suggested that developers pay the taxes and charge buyers accordingly.

Council Member Gale Council Member Gale summarized reasons he supports the petition and explained that those on fixed incomes could contact Mike Lindebak's office to inquire on who could qualify for the Hardship Deferral.

Motion -- carried Gale moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-435

Resolution of findings of advisability and Resolution authorizing improving of the 50th Street South from the east line of Seneca to the west line of Sycamore; Osage from the north line of Sunrise to the south line of 50th Street South; and Sycamore from the north line of Sunrise to the south line of 50th Street South, the existing driveway to Seneca from Reserve "A" shall be closed, 472-83434, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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**SANITARY SEWER PETITION FOR SANITARY SEWERS TO SERVE ANGEL ACRES SECOND ADDITION
AND AN UNPLATTED TRACT – AT 50TH STREET SOUTH, EAST OF SENECA.**

(District IV)

Mike Lindebak City Engineer reviewed the Item.

Agenda Report No. 01-1213.

The signatures on the Petition represent 1 of 3 (33.3%) resident owners and 66.3% of the improvement district area. The project was discussed by the District IV Advisory Board on October 3, 2001. The Board voted 6-0 to recommend approval.

The Petition is a platting requirement for Angel Acres 2nd Addition, a new single-family development. An adjacent unplatted tract will have access to the sewer and is in the proposed assessment district.

The project budget contained in the Petition is \$98,800 with the total assessed to the improvement district. The method of assessment is the fractional basis. The estimated assessment to individual properties is \$2,600 for lots in Angel Acres 2nd Addition and \$31,200 for the unplatted tract.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners, or by the owners of the majority of the property in the improvement district.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- carried Gale moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. -01-436

Resolution of findings of advisability and Resolution authorizing construction of Lateral 55, Main 3, Southwest Interceptor Sewer, (at 50th Street South, east of Seneca) 468-83342, in City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

**SANITARY SEWER PETITION FOR SANITARY SEWERS TO SERVE ANGEL ACRES SECOND ADDITION
AND AN UNPLATTED TRACT – AT 50TH STREET SOUTH, EAST OF SENECA.**

(District IV)

Agenda Report No. 01-1214.

The signatures on the Petition represent 3 of 5 (60%) resident owners and 66.1% of the improvement district area. The project was discussed by the District IV Advisory Board on October 3, 2001. The Board voted 6-0 to recommend approval.

The Petition is a platting requirement for Angel Acres 2nd Addition, a new single-family development. An adjacent unplatted tract will have access to the sewer and is in the proposed assessment district.

The project budget contained in the Petition is \$67,500 with the total assessed to the improvement district. The method of assessment is the fractional basis. The estimated assessment to individual properties is \$2,500 for lots in Angel Acres 2nd Addition and \$22,500 for the unplatted tract.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners, or by the owners of the majority of the property in the improvement district.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

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Motion -- carried

Gale moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-437

Resolution of findings of advisability and Resolution authorizing construction of Lateral 45, Main 3, Southwest Interceptor Sewer, (at 50th Street South, east of Seneca) 468-83343, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

OLD TOWN CINEMA RESOLUTION ESTABLISHING REDEVELOPMENT DISTRICT (TAX INCREMENT FINANCING) FOR OLD TOWN CINEMA II PROJECT (District VI)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 01-1215.

On November 9, 1999, City Council approved an ordinance establishing a Tax Increment Redevelopment District to provide a source of public funding for the development of a multiplex cinema complex, offices, apartments, retail space and parking structures in an area north and west of the existing Old Town District. Since that time, the Old Town Cinema Project has undergone substantial changes. The original project was changed and a new development team has been established. The scope of the project has also been reduced which eliminated the need for a larger financing district. It is proposed to confine the boundary of the tax increment financing district to an area in which it is more certain that redevelopment will occur. This requires re-establishing the district with new boundaries.

The current boundary of the Old Town Cinema II Redevelopment District are Central Avenue on the north, Emporia on the west, Wabash on the east (one block east of Washington) and Douglas on the south, except for the area of the original Old Town between the Santa Fe railroad tracks and Washington. The proposed new boundary includes the area immediately north of Old Town, from the railroad track to Washington and from Second Street to Third Street.

Establishment of boundaries for the redevelopment district is the first step in the two-step tax increment financing ("TIF") process, determining the area in which TIF revenues will be collected. The year of the establishment of the district serves as the "base year" for the calculation of future TIF revenues. After the district is established, one or more redevelopment projects may be undertaken in the district over time, so long as the projects are completed within 20 years of the date of the adoption of a redevelopment plan covering each project, which is the second step in the process.

Once the TIF district is established and a redevelopment plan has been adopted by the City Council, the County Treasurer will start setting aside all real estate tax revenue collected within the district which exceeds the amount that would have been collected if the property had maintained the same assessed value that was in effect during the year in which the district was first established, before any redevelopment occurred. Property tax revenue that is attributable to growth in assessed value as a result of redevelopment is thus "captured" and transferred to the City to be used to pay for authorized improvements within the redevelopment district.

The first step in establishing the tax increment district boundaries is the adoption of a resolution which states that the City Council is considering the establishment of the TIF district and sets December 11, 2001, as the date for a public hearing on the matter. The resolution directs publication of the resolution in the City's official newspaper and mailing copies to owners and occupants of all property located within the district, by certified mail.

The cost of mailing the Resolution to all owners and occupants of property located within the district will be charged to the Old Town Cinema redevelopment project and ultimately paid from TIF revenues.

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The Resolution has been reviewed by the City's Law Department. The actual establishment of the tax increment financing district will not be effective until the City Council adopts an ordinance for that purpose, following the aforementioned public hearing. The City Council may amend the proposed boundaries of the redevelopment district at the time of adoption of the ordinance.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

-- carried

Fearey moved that the Resolution setting a public hearing on December 11, 2001, be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-438

A Resolution stating the City is considering the establishment of a Redevelopment District for the Old Town Cinema II Redevelopment District under authority of K.S.A. 12-1770 Et Seq., presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

REDEV. PLAN - TIF

PUBLIC HEARING – TAX INCREMENT FINANCING REDEVELOPMENT PLAN, CENTRAL AND HILLSIDE AREA. (Districts I and II)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 01-1216.

On October 2, 2001, the City Council adopted an ordinance establishing the Central and Hillside Redevelopment District for the purpose of providing for the use of tax increment financing ("TIF") to fund certain eligible costs in connection with the redevelopment of property located in the vicinity of Central and Hillside. The Ordinance established the boundaries of the redevelopment district, as depicted in the district map, and set the year 2001 as the base year for any future calculations of incremental real estate tax revenues available to pay such eligible costs. Before any incremental tax revenues can be captured and paid to the City for such purposes, the City Council must adopt a redevelopment plan, following notice and hearing, which provides details of the redevelopment project and the costs to be paid with tax increment financing.

K.S.A. 12-1773 prescribes the process the City must follow in adopting a redevelopment plan for tax increment financing purposes. The City Council must first adopt a resolution stating it is considering the adoption of a redevelopment plan and setting the time and place for a public hearing on the matter. The resolution, which includes a map of the district and a comprehensive plan for its redevelopment, must be mailed by certified mail to the owners and occupants of all property located within the district, as well as to the Board of County Commissioners and to the U.S.D. 259 Board of Education. The proposed time for the public hearing on the redevelopment plan is 9:00 a.m. on Tuesday, December 11, 2001 in the City Council Chambers.

The redevelopment plan will identify the project area in which redevelopment project will occur, the specific costs to be paid with TIF revenues and the nature, scope and timing of new facilities to be developed as part of the redevelopment project. The redevelopment plan will also include a detailed feasibility report that shows the sufficiency of TIF revenues and other project funding to pay all costs associated with the redevelopment project. Prior to the public hearing before the City Council, the Metropolitan Area Planning Commission will consider the redevelopment plan and determine its consistency with the community's Comprehensive Plan.

The costs of mailing notices to property owners and occupants, and publication of public notice, will be ultimately paid by TIF revenues.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

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Motion --
-- carried

Brewer moved that the Resolution setting a public hearing on December 11, 2001, be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-439

A Resolution stating the City of Wichita is considering the adoption of a Redevelopment Project Plan for the Central and Hillside Redevelopment District, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

LIQUOR

ALLOCATION OF SPECIAL LIQUOR TAX FUNDS.

Cathy Holdeman

Administrative Services Director, City Manager's Office reviewed the Item.

Agenda Report No. 01-1217.

Since 1997, the City has been reviewing Special Liquor Tax allocations that fund alcohol and substance abuse providers. As a part of the review process, a consultant was hired to work with providers to develop outcome-based measurements to evaluate achievement and performance. Anticipating a two-year transition period, staff recommended, and the Council approved, writing 1998 contracts with providers with an option for a one-year renewal.

On April 20, 1999, the City Council considered the progress associated with the development of outcomes-based measurements. Funding was approved for the providers through the remainder of 1999 to allow more information to be gathered on the measurements as well as the results. Policy issues to guide future funding were discussed at a City Council workshop. The Council designated two members to work with staff and the consultant to provide more guidance and direction on future funding options.

On December 14, 1999, the City Council considered the recommendations for funding along with the policy issues. Most providers met outcome-based measurement requirements, however, two providers did not and the City Council reduced allocations by 15%. The following is a review of the policy questions considered by the City Council and its recommendations.

1. What results should be achieved from the Special Liquor Tax Fund?
2. Should prevention programs, treatment programs, or a combination of both be funded?
3. Should revenues be targeted to one group, such as youth, families or adults?
4. Should there be a concentrated focus on funding (one programmatic area, or one negative consequence associated with alcohol and substance abuse), or should the City continue to fund a continuum of services?
5. Should the City invest in projects (programs) that are "promising approaches" i.e. innovative pilot projects?
6. Should the City continue to fund those providers who demonstrate meaningful outcomes-based performance and discontinue funding those who do not perform?

The City Council's response to the policy questions was the following:

1. Programs receiving special liquor tax funds should demonstrate their work through the measurement of meaningful outcomes over time. Programs should:
 - Clearly define the target population
 - Define the number of clients served
 - Changes in capacity of the target population are illustrated and measured
 - Measurements are supported by more than one measurement tool
2. Both prevention and treatment programs should be funded. Research indicates that they both have value to the community.
 - There is a clear need for more residential treatment programs
 - Research indicates that prevention programs targeted to children though middle

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school age are the most effective

3. Not all Special Liquor Tax Revenues should be targeted to one population.
 - Research shows that programs that address the needs of the entire family are most effective
 - Some funding should be set aside to focus on prevention and treatment needs of the entire family
4. The City should continue to fund a continuum of service as providers are not duplicating efforts and all serve a valuable community purpose. Current providers through prevention and treatment programs serve the needs of the following:
 - Children and adults
 - Men and women
 - Various ethnic groups
 - Various income levels
5. The City should reserve funds from the Special Liquor Tax Fund to encourage providers to develop pilot programs as promising approaches to alcohol and substance abuse problems.
 - A case management system to coordinate the needs of individuals and families has been defined as critical need
6. The City should continue to fund programs that demonstrate meaningful outcomes. If providers cannot meet contract requirements they should not be fully funded, or perhaps funded at all.

On March 28, 2000, the City Council privatized administration of the Special Liquor Tax funds and selected COMCARE as the program administrator. COMCARE assisted the City with the creation of a Special Liquor Tax Coalition to replace the Alcohol and Substance Abuse Advisory Board. (On December 14, 1999, the City Council had recommended the elimination of this board to be replaced by a coalition.) The Coalition is comprised of professionals knowledgeable about the substance abuse community. It is responsible for assessing current conditions, barriers to service and efficiency of funding systems. It is charged with making funding recommendations to the City Council on: funding existing programs; pilot projects; and additional research projects, among others.

COMCARE, as the City's program administrator reviewed the outcome-based measurements developed by the providers of alcohol and substance abuse services. As required by their management contract, COMCARE initiated a coalition review to make recommendations on program funding. Based upon COMCARE staff review of provider performance and the coalition's recommendation, the City Council approved on February 13, 2001, full funding for the existing providers for the 2001 calendar year.

On August 28, 2001, the City of Wichita solicited proposals for funding alcohol and substance abuse prevention and treatment programs (with funding to commence in January 2002). The RFP incorporated the City Council's guidelines for funding established at the December 1999 meeting. The City received fifteen responses totaling over \$2.1 million. Available funding is \$923,570.

The Special Liquor Tax Coalition met and designated a subcommittee to review the responses to the RFP. After an extensive review by the subcommittee, recommendations were brought to the full committee for its review and action. The Coalition is recommending the following funding levels.

<u>Agency Name</u>	<u>Funds Requested</u>	<u>2001 Funding Level</u>	<u>Coalition Recommendation</u>
Behavioral Health Center	\$ 99,016	\$ 98,860	\$ 98,865
Big Brothers/Big Sisters	\$ 105,480	\$ 73,400	\$ 73,400
Center for Health and Wellness	\$ 158,000	N/A	\$ 50,000
DCCCA, Inc. (Options)	\$ 261,000	\$ 236,480	\$ 0
Higher Ground	\$ 80,000	\$ 15,000	\$ 15,000

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Tiyospaye, Inc			
Knox Center	\$ 71,636	\$ 35,990	\$ 0
Mental Health Assn. of South Central Kansas (Pathways Program)	\$ 40,000	\$ 11,980	\$ 32,625
Mid American All Indian Center	\$ 62,500	\$ 51,610	\$ 43,870
Miracles, Inc.	\$ 78,944	\$ 51,830	\$ 71,800
Parallax	\$ 109,412	\$ 69,830	\$ 109,410
Regional Prevention Center	\$ 156,193	\$ 145,070	\$ 145,070
Youth Development Services	\$ 37,065	\$ 23,660	\$ 33,530
Total Allocation			\$ 673,570
Detox Reserve			\$ 250,000
Total Dollars			\$ 923,570

The Special Liquor Tax Coalition is not recommending funding for two existing providers, DCCCA, Inc. (Options) and Knox Center. This was based upon past performance and the lack of information presented in the new RFP. The Coalition is recommending that the City initiate a new RFP, in the amount of \$250,000, for detoxification services (currently provided by DCCCA) to be more inclusive of the clientele needing to be served and to have clearly articulated outcome-based measurements. Additionally, it is recommending that the City partially fund (in the amount of \$50,000) the request by the Center for Health and Wellness to replace funding currently provided to the Knox Center. This funding would continue the City's efforts to provide outpatient treatment for African Americans. The Center for Health and Wellness has an added benefit as it is able to provide this treatment in conjunction with its established primary care clinical environment.

Based upon information provided in the RFP, and past performance, the Coalition is recommending that four programs (Mental Health Association of South Central Kansas, Miracles, Inc., Parallax, and Youth Development Services, receive increased funding. One program, Mid-American Indian Center, is recommended for a 15% decrease. The program provides outpatient treatment for a unique clientele (Native Americans) and services performed are generally effective. However, this organization continues to under perform in documenting outcomes-based information and its response to the RFP lacked supporting documentation.

Three new providers (Behavioral Health Assessment Services, LLC, Lemon Tree Enterprises, LLC, and Mirror, Inc. were not recommended for funding as they did not meet the requirements of the RFP.

Program funds are available in the Special Liquor Tax Fund to support the recommended allocations.

Contracts with providers will be prepared and approved as to form.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard.

Gail Edmonds

Mr. Edmonds, Director of Indian Alcohol Treatment Services, stated that American Medical Association has declared that alcoholism is a disease. He feels the 15% decrease will create an additional hardship on the Mid American Indian Center as they have been flat-funded for eight years with no increases in salary or funding. Mr. Edmonds stated that this program is the only one funded in the State of Kansas and they have worked with 970 Native Americans in the last six years and expect to work with an approximately 162 this year. He reported that the last quarterly report was late, but felt it was above compliances and felt measurements had been met.

Council Member Brewer

Council Member Brewer feels that drug and alcohol abuse will become a bigger problem with the issues going on at present time in the local work force and is concerned that Knox Center that serves low-income individuals now receives nothing and the Center for Health and Wellness requested \$158,000 and will be receiving only \$50,000. He stated he has real concerns and that he cannot support the Item because of those concerns.

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Motion -- Knight moved that the funding levels be approved; and Staff be authorized to enter into contracts and to initiate an RFP for detoxification services. Motion carried 6 to 1. (Brewer, no)
-- carried

ROCK ROAD IMP. ROCK ROAD IMPROVEMENTS FROM 32ND STREET NORTH TO THE K-96 EXPRESSWAY, AND THE INTERSECTION OF 21ST STREET AT ROCK ROAD. (District II)

Mike Lindebak City Engineer reviewed the Item.

Agenda Report No. 01-1218.

The 2001 Capital Improvement Program includes projects to improve Rock Road from 32nd Street North to the K-96 Expressway and the intersection of 21st Street at Rock Road. Neighborhood meetings were held to review the projects with affected property owners. Ordinances have been prepared to establish funding authority for the projects.

The Rock Road Improvement from 32nd to K-96 consists of: (1) adding northbound and southbound lanes along Rock, (2) construct a southbound lane to the westbound K-96 ramp, and (3) install traffic signals at the intersection of 32nd at Rock. The 21st at Rock intersection project will widen Rock between Rockhill and 21st Street and 21st Street, 1000' east and west of Rock.

The estimated cost of the Rock, 32nd to K-96 project is \$960,000, with \$250,000 paid by the City and \$710,000 by Federal Grants administered by the Kansas Department of Transportation. The estimated cost of the 21st/Rock project is \$2,130,000, with \$580,000 paid by the City and \$1,550,000 by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- Pisciotte moved that the projects and State/Federal Agreements (as required) be approved; the Ordinances be placed on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.
-- carried

ORDINANCE

An Ordinance declaring the Intersection of 21st Street North and Rock Road, 472-83438, to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

ORDINANCE

An Ordinance declaring Rock Road from 32nd Street North to K-96 Expressway, 472-83439, to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same.

ASBESTOS WASTE ASBESTOS WASTE DISPOSAL: BROOKS C&D LANDFILL. (District VI)

Steve Lackey Public Works Director reviewed the Item.

Agenda Report No. 01-1219.

In August, 2001, the Kansas Department of Health and Environment (KDHE) has issued a permit modification for the Brooks Sanitary Landfill to allow it to continue as a Construction and Demolition Waste Landfill and to accept friable asbestos waste after October 9, 2001. Subsequent to this action, the KDHE sent a letter, dated October 11, 2001, modifying its earlier permit approval (because of "some confusion by the regulated community") requiring the City to submit revised plans to provide for

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a completely separate disposal area for the friable asbestos waste. This change by the State now appears to make it economically unfeasible to handle the disposal of asbestos at the Brooks site without major (and unexpected) expense.

In the plan that the City originally submitted to the State, friable asbestos waste was to be handled at the Brooks site by filling in a separate "cell" adjacent to C&D waste. This approach would allow for the proper handling of both waste streams and was originally approved by the KDHE. This new and recent requirement would necessitate the revision of the Brooks site and Operating Plan and will require considerable increase in the cost of operating and closure of the site. The action by the State to change the City's permit conditions will significantly increase the cost of handling asbestos waste and make it too costly to operate the two "cells."

The Waste Connections transfer station does not accept friable asbestos. If the Brooks Construction and Demolition Landfill does not accept friable asbestos waste, there will be no disposal site for this type of waste in Sedgwick County. By not having a local disposal area conveniently located, asbestos abatement contractors will be forced to haul this waste to other distant municipal solid waste landfills. An industrial waste disposal site with a friable asbestos waste mono-fill could be established by some other public or private entity.

Asbestos waste that is brought to the site is charged the normal tipping (disposal) fee of \$20 per ton and a surcharge of \$11 per ton. The surcharge reflects the cost associated with the processing of a Disposal Authorization through KDHE, and the increased handling cost to properly dispose of friable asbestos. The increase in design, construction, operation, and closure costs to accommodate friable asbestos under the revised requirements of the KDHE cannot be recovered by the \$31 per ton fee collected for this waste. It is anticipated that the cost to handle asbestos under the new requirement issued by the State would cost well over \$50/ton.

The City of Wichita is not under any obligation to provide a disposal site for friable asbestos waste.

Mayor Knight	Mayor Knight inquired if anyone wished to be heard.
Howard Rickerts	General Manager, Asbestos Removal in Wichita, stated that a viable alternative is needed for small home owners and small constructions projects as asbestos is likely to end up in the landfill anyway. He states asbestos is non-leachable and does not return to earth. He is also concerned that there will be an increase in illegal dumping.
Mark Conway	President Remediation Contractors stated he agrees with Howard, and is also concerned with the school bond issues and school removal of asbestos. He states it is going to be very expensive to travel to Topeka and takes up approximately eight hours coming and going, plus gas and vehicle wear and tear. He asked if the Council could reconsider options and maybe have a task force.
Council Member Fearey	Council Member Fearey asked if the other two firms decided to get permits, how long would it take. for City to get License and how long it would take the other two contractors.
Steve Lackey	Public Works Director stated it would possibly take six to eight months.
Council Member Fearey	Council Member Fearey asked if we did this, would we be ready for the major school asbestos removal next summer, where the other firms might not be.
Steve Lackey	Public Works Director that the City's would be quicker, probably two or three months as it has been approved and it's just a modification.
Council Member Fearey	Council Member Fearey asked if there had been discussion with the County and solid waste committee.
Steve Lackey	Public Works Director stated Susan had talked with the County briefly and it was believed that the private community would develop a fill plan.
Council Member Pisciotte	Council Member Pisciotte stated solid waste management has been an issue. Also that the City and School District had partnered on the School Bond Issue and would like to see the Item postponed.

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Council Member Martz Council Member Martz asked if the City could contact KDHE and ask for a re-consideration of their decision in this matter.

Mayor Knight left the Bench. Vice Mayor Pisciotte in the chair.

Steve Lackey Public Works Director stated that this is a possibility.

Motion -- Pisciotte moved that this Item be deferred to allow Staff to meet with interested parties and to contact KDHE to ask for reconsideration of its latest decision regarding friable asbestos. Motion carried 6-0.
-- carried (Knight absent)

HUD

HUD CONSOLIDATED PLAN PROCESS.

Pisciotte declared conflict of Interest abstained from participation.

Gale declared conflict of Interest abstained from participation.

Mayor Knight present and in the Chair.

Agenda Report No. 01-1220.

In 1995, the Department of Housing and Urban Development (HUD) issued new regulations regarding the planning and application process for three grant programs. In 1995, HUD required local governments to submit Consolidated Plans and combined applications for the Community Development Block Grant (CDBG); Emergency Shelter Grant (ESG); and Home Investment Partnership Grant (HOME) programs. As part of the requirements, local units of government also were required to develop Five-Year Strategic Plans (2000-2004) with priority needs established. In addition, One-Year Action Plans, outlining specific activities and grant funding sources for the fiscal year, were also part of the HUD requirements. It is now time to develop the annual plan submittal required for 2002-2003.

Preparation for the 2002-2003 program year is based on 2001-2002 City Council action and action by the Council on October 26, 1999 regarding the 2000-2004 Priority Needs. The City Council is requested to consider designating and reserving special funding and allocations.

Funding Reservations and Designated Funding - For the past few years, the City Council has revised its procedure to ensure special programs (priorities) would be addressed on an outcome basis. Through a Request for Proposal (RFP) process, those programs felt to be high priority (and traditionally funded from grant sources) were developed based on a required "scope of services" where performance could be monitored and evaluated. In the past, such programs included Youth Employment, Women/Family Crisis Shelters, and Youth Recreation/Enrichment Programs (Public Services). To meet previously established goals, it is recommended that the City Council continue those programs in the 2002-2003 allocations.

In addition to the (above) designated programs, the following allocations are being proposed:

1. Streets/Sidewalks (Neighborhood Improvement Program and Handicap Improvements)
2. Neighborhood Centers/Community Facilities
3. Neighborhood Improvement Services & Grants Programs
4. Neighborhood Stabilization
5. Community Education Program
6. Neighborhood Assistance-District Advisory Boards
7. Colvin/ Planeview Health Station
8. Historic Preservation/Mandated Activities
9. Consolidated Plan Program Grant Administration (Direct and Indirect costs)

The City Council needs to determine if these programs - traditionally funded - should be designated and funding reserved and if there are other special programs desired by the City Council that should be reserved, such as additional neighborhood revitalization and improvement projects.

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Previous City Councils have addressed: funding priorities; reservation of CDBG funding for special priority programs/services and capital projects; programs to be solicited from the RFP process to encourage collaborative and cooperative efforts among service providers and lower costs; designation of City provided services/programs traditionally funded from CDBG and HOME funds; and targeting of funds for neighborhood/community facilities and neighborhood stabilization efforts.

It is anticipated that the CDBG funding will remain stable for the next fiscal year based on 2001 Congressional appropriations. Although final grant amounts are not known at this time, it is estimated that \$6.1 million in Consolidated Grant funding will be available for allocation in the 2002-2003 program year. This total is comprised of approximately \$3.9 million in CDBG; \$2.1 million in HOME; and \$133,000 for Emergency Shelter Grants.

Each grant program is restricted to certain federal allocation limits, which cannot be exceeded. These are listed for each Grant as follows:

CDBG	\$1,163,000 Public Services 20% Planning and Administration
HOME	15% Neighborhood-Based Non Profits (Minimum required allocation for CHDO's)
ESG	30% Essential Services 30% Homeless Prevention 5% Administration

Allocation of Consolidated Plan grant funds is also subject to individual federal eligibility rules regarding specific activities/programs and national objectives of primarily benefiting low income persons, or addressing conditions of slums or blight.

The process by which grant funds are authorized by the City Council is a matter of local determination. That is, the City Council is not obligated to solicit funding applications unless it desires to do so. The City Council may also reserve grant funds for community priority needs and programs, as determined by the City Council.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Council Member Fearey Council Member Fearey stated she has some concerns as there are four districts that are affected very heavily and she's not comfortable with it yet.

Motion -- Knight moved that the development process and funding reservations for the proposed 2002-2003 Consolidated Plan be approved. Motion carried 4 to 1. (Fearey, no; Gale, Pisciotte, abstained)
-- carried

(The following Item was taken up later in the meeting; action is shown in Agenda Order.)

(Addendum No.11A)
DELANO

DEVELOPMENT MORATORIUM FOR PROPERTIES ALONG SENECA AND WEST DOUGLAS IN THE DELANO NEIGHBORHOOD. (District IV)

Agenda Report No.01-1272.

The Delano neighborhood is one of the oldest neighborhoods in the City of Wichita. The neighborhood has a colorful history that reflects the community as a whole and contains a diverse mix of people, businesses and institutions. The neighborhood boundaries are U.S. Highway 54 (Kellogg) to the south, Meridian Avenue to the west, and the Arkansas River to the north and east. This places the neighborhood within close proximity to the Central Business District, the "Museums on the River" District, Old Town, and other major City attractions.

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The Delano Neighborhood Revitalization Plan was developed last year with neighborhood stakeholders as part of an effort designed to stimulate growth and development in the neighborhood. The Wichita City Council and Sedgwick County Board of County Commissioners adopted the Plan as an amendment to the Wichita-Sedgwick County Comprehensive Plan, earlier this year.

Since that time, staff has been working on implementing the plan with a steering committee comprised of Delano neighborhood representatives and Delano business/institutional stakeholders, including neighborhood-wide rezoning and the development of a design overlay district. In addition, the City of Wichita is currently in the final design phases for two CIP projects that will commit over \$6 million to upgrade and beautify Seneca Street (between McLean and Kellogg) and west Douglas Avenue (between Seneca and McLean). The Seneca Street corridor serves as a gateway into the "Museums on the River" District, while west Douglas Avenue serves as a major thoroughfare into the Central Business District. The City has recently hired a consultant, using state preservation funds, to assist the Delano neighborhood with the development of the design overlay district. The completion and adoption of this overlay district is anticipated in mid-2002.

A development moratorium is proposed for those properties with frontage on Seneca between McLean and Kellogg, and Douglas between McLean and Seneca, in order to ensure against any inappropriate new development adjacent to these two arterial corridors, while the design overlay district is being developed and considered for adoption. The proposed resolution would:

1. Place a prohibition on off-site signs for one year.
2. Allow staff review of certain types of permits (new building construction; other types of sign permits; additions or remodeling that changes the appearance of building facades facing either of these streets or the cross streets intersecting these streets; new curb cuts) for conformance with the goals and guidelines contained in the adopted Delano Neighborhood Plan. Any permits deemed to be contrary to the plan would not be processed by staff, but could be appealed to the City Council. Other types of permits would continue to be issued with no review or restrictions.
3. Allow City Council to review the progress of the development of the design overlay district in six months from the adoption of the resolution.

The development moratorium would provide a mechanism to protect the City of Wichita's investment of capital funds along these two street corridors while ensuring that any new development occurs in compliance with the goals and guidelines of the adopted Delano Neighborhood Plan. It would allow neighborhood stakeholders the opportunity and time to work with others having development interests in the area, to develop the design overlay in a fashion acceptable to all parties concerned.

Adoption of the resolution itself involves no additional funding on the part of the City. However, failure to adopt this resolution could compromise the impact/intent of the approximately \$6 million of City funds to be invested towards the ultimate beautification of the Seneca and Douglas Street Corridors.

The City has the authority to establish a development moratorium for specific purposes and a limited time.

Mayor Knight	Mayor Knight inquired if anyone wished to be heard.
Ray (last name not given)	President of the Delano Neighborhood Association stated he is in favor of the moratorium.
Larry Brown	Larry Brown, Resident of Delano, is in favor of the moratorium.
Jack Kellogg	Jack Kellogg, Representing the Delano Business Association, stated he is in favor of the moratorium.
Jean Pollick	Jean Pollick, Secretary of the Delano Neighborhood Association, is in favor of the moratorium.
Dave Mulhagen	Dave Mulhagen, Clear Channel, said that it had been indicated earlier that they were against the moratorium., but that is not correct. They also would like for the neighborhood to keep it character, however there is a permit pending for 428 South Seneca for a 12x24 sign and they would like to work with the Association to come to an agreement on a sign that would fit the neighborhood.

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Motion -- carried

Gale moved that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-440

A Resolution of the governing body of the City of Wichita declaring a moratorium on the processing of certain development permits for properties on the Seneca Street and Douglas Avenue in the Delano Neighborhood, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

CONDEMNATIONS

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Kurt Schroeder

Office of Central Inspection Superintendent reviewed the Item.

Agenda Report No. 01-1221.

On September 18, 2001 a report was submitted with respect to the dangerous and unsafe conditions on six (6) properties. The Council adopted resolutions providing for a public hearing to be held on these condemnation actions at 10:30 a.m. on November 6, 2001.

On August 6, 2001, the Board of Code Standards and Appeals (BCSA) held a hearing on the following properties:

<u>Property Address</u>	<u>Council District</u>
1. 938 North Broadway	VI
2. 1310 North Market	VI
3. 1722 East Victor	I
4. 1248 South Wichita	I
5. 1801 South Mosley	III
6. 1847 South Everett	VI

Pursuant to State Statute the Resolutions were duly published twice on September 9, 2001 and September 26, 2001. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of each described property.

Kurt Schroeder

Office of Central Inspection Superintendent stated that Item 2. (1310 North Market) could be removed from the Agenda as it has been repaired and the taxes are current. Also that he would like 60 days allowed to complete repair for Item 1./938 North Broadway as it has been secured and the taxes have been paid.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard on Items 3, 4, 5 and 6 and no one appeared.

Motion --

Knight moved that the public hearing be closed, that 1310 North Market be removed from consideration; that Items 3, 4, 5 and 6 take the recommended action with Resolutions declaring the structure (with the understanding that consideration be given to try to save the structure at each step of the way), as dangerous and unsafe be adopted; and the BCSA recommendation to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structure be accepted. Any extensions of time granted to repair the structure would be conditioned on the following: (1) All taxes have been paid to date, as on November 6, 2001; (2) the structure(s) has/have been secured as of November 6, 2001, and will continue to be kept secured, and (3) the premises are mowed and free of debris as of November 6, 2001, and will be so maintained during renovation. Motion carried 7 to 0.

-- carried

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RESOLUTION NO. R-01-443

A Resolution finding that the structure located on Lots 21-23 and 25-27, Overton now Victor, DC Masbacher's Addition, to Sedgwick County, Kansas, commonly known as 1722 East Victor, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Gale moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. R-01-444

A Resolution finding that the structure located on Lots 46 and 48, Wichita Street, Nelson's Highland Addition to Wichita, Sedgwick County, Kansas, known as 1248 South Wichita, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Gale moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. R-01-445

A Resolution finding that the structure located on Lots 97 and the north one-half of Lot 99 on Mosley Avenue I Ranson & Kay's Second Addition to Wichita, Sedgwick County, Kansas, commonly known as 1801 South Mosley, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Gale moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. R-01-446

A Resolution finding that the structure located on Lots 42 and 44, in Block K, in South University Place Addition to Wichita, Sedgwick County, Kansas, commonly known as 1847 South Everett, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Gale moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard regarding 938 North Broadway and no one appeared.

Motion --

-- carried

Fearey moved that the public hearing be closed on Item 1/938 North Broadway, and the Staff recommendation allowing 60 days to make repairs be approved. Motion carried 7 to 0

RESOLUTION NO. R-01-441

A Resolution finding that the structure located on Lots 1, 2, 3, 4, 5, 6, 7, and 8, on Lawrence Avenue, now Broadway, an Addition to Wichita, Sedgwick County, Kansas, commonly known as 938 North Broadway, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Gale moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

CITY COUNCIL AGENDA

HOUSING BOARD

APPOINTMENT OF TENANT TO HOUSING AUTHORITY BOARD.

Agenda Report No. 01-1222.

A Charter Ordinance became effective November 1, 2001, creating the Wichita Housing Authority Board and establishing the members of the City Council as the members of the Board, along with a resident (appointed by the mayor, with approval of the City Council), who receives direct housing assistance from the City of Wichita. The City Council will meet as the Housing Authority Board at a

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designated time in conjunction with a regular Council meeting. The resident member will join the Council for such meetings and participate in any and all business that comes before the Housing Authority Board.

In July 2001, all current Section 8 and Public Housing tenants received a board application with notification of the opening for self-nomination if interested in serving. Fifty-seven responses were received and provided for Housing Advisory Board (HAB) review. The HAB unanimously approved recommendation of appointment of Inafay Grays-McClellan as the tenant representative on the Wichita Housing Advisory Board. Appointment of an assisted household is required for compliance by HUD (HUD will withhold approval of WHA plans until compliance is met).

Applications were reviewed by the HAB according to completeness of response, experience and contributions that can be made to the WHA Board. Appointment of a resident to the WHA Board will place the board in compliance.

Failure to have approved board could result in loss of public housing and Section 8 Funding from HUD

Motion -- Knight appointed Inafay Grays-McClellan as the tenant representative on the Wichita Housing
-- carried Advisory Board and moved that the appointment be approved. Motion carried 7 to 0.

APPOINTMENTS

BOARD APPOINTMENTS:

Motion -- Brewer appointed Randy Brown to the Library Board and moved that the appointment be approved.
-- carried Motion carried 7-0.

Motion -- Lambke appointed Linda Klingenberg to Sister Cities and Mitch Faroh to the Airport Authority and
-- carried moved that the appointments be approved. Motion carried 7-0.

Motion -- Fearey appointed Brad Biddle to the Public Building Commission and Maurine Willis to District
-- carried Advisory Board VI and moved that the appointments be approved. Motion carried 7-0.

CONSENT AGENDA

Knight moved that the Consent Agenda, including Addendum Item 35A, be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED OCTOBER 26 AND NOVEMBER 2, 2001.

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

Richmond Circle from the south line of 44th Street South to and including the cul-de-sac in Legacy 2nd Addition; and temporary cul-de-sac on 44th Street South at the west line of Legacy 2nd Addition to serve Legacy 2nd Addition - west of Meridian, north of 44th Street South. (472-83422/765703/490814) Traffic to be maintained during construction using flagpersons and barricades. (District IV)

Kansas Paving Company - \$57,383.00

Lateral 474, Southwest Interceptor Sewer to serve Legacy 2nd Addition - west of Meridian, north of 44th Street South. (468-83321/743888/480576) Traffic to be maintained during construction using flagpersons and barricades. (District IV)

WB Carter Construction - \$35,646.00

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Water distribution system to serve Legacy Second Addition - west of Meridian, north of 44th Street South. (448-89616/735030/470700) Traffic to be maintained during construction using flagpersons and barricades. (District IV)

Duling Construction - \$6,207.00

Planeview Sewer Relocation 31st Street South and Oliver - 31st Street South and Oliver. (468-83177/622230/640338) Traffic to be maintained during construction using flagpersons and barricades; AND 2001 Planeview Sanitary Sewer Reconstruction Phase 3 - north of 31st Street South, west of Oliver. (468-83337/622235/641343) Traffic to be maintained during construction using flagpersons and barricades. (District III)

Utility Contractors - \$83,405.00 (Total aggregate bid)

Churchill Circle from the south line of Lot 24, Block 2, to the west line of Lot 34, Block 2; and Churchill Court serving Lots 27 through 31, Block 2, from the north line of Churchill Circle to and including the cul-de-sac to serve Wilson Farms Second Addition - south of 21st Street North, west of Webb. (472-83245/765704/490815) Does not affect existing traffic. (District II)

Cornejo & Sons Construction - \$70,647.25

Lateral 34, Main 1, Cowskin Interceptor Sewer to serve Mel Hambelton Addition - east of 119th Street West, south of Kellogg. (468-83268/743893/480581) Does not affect existing traffic. (District V)

Duling Construction - \$30,790.00

Water distribution system to serve Mel Hambelton Addition - east of 119th Street West, south of Kellogg. (448-89622/735031/470701) Does not affect existing traffic. (District V)

Duling Construction - \$29,080.00

1999 Water Main Replacement Program Shadybrook Neighborhood - (west of Hillside between 17th Street North and 21st Street North. (448-89415 /636093/779173) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$2,125,200.00

Mies Construction - \$1,345,300.23

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

PARK DEPARTMENT/LANDSCAPE & FORESTRY DIVISION: Ornamental and Shade Trees. (791681)*

John Deere Landscapes - \$1,125.00 (Item 1/total net bid)
\$2,250.00 (Item 2/total net bid)
\$3,712.00 (Item 3/total net bid)
\$1,330.00 (Item 4/total net bid)

Brady Nursery - \$1,975.00 (Item 5/total net bid)
John Deere Landscapes - \$3,150.00 (Item 6/total net bid)
\$6,300.00 (Item 7/total net bid)

Valley Tree Farm - \$2,980.00 (Item 8/total net bid)
\$1,490.00 (Item 10/total net bid)
\$3,495.00 (Item 11/total net bid)
\$4,077.50 (Item 12/total net bid)
\$4,760.00 (Item 13/total net bid)

John Deere Landscapes - \$3,825.00 (Item 15/total net bid)
Valley Tree Farm - \$1,957.50 (Item 16/total net bid)

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John Deere Landscapes - \$3,375.00 (Item 18/total net bid)
Brady Nursery - \$5,450.00 (Item 19/total net bid)
Valley Tree Farm - \$6,025.00 (Item 20/total net bid)
\$2,700.00 (Item 21/total net bid)
John Deere Landscapes - \$4,620.00 (Item 22/total net bid)
\$4,795.00 (Item 23/total net bid)
\$3,775.00 (Item 24/total net bid)
Brady Nursery - \$9,900.00 (Item 25/total net bid)
Valley Tree Farm - \$2,812.50 (Item 26/total net bid)
\$5,625.00 (Item 27/total net bid)
John Deere Landscapes - \$3,040.00 (Item 28/total net bid)
Borst Nursery - \$2,800.00 (Item 29/total net bid)
John Deere Landscapes - \$2,875.00 (Item 30/total net bid)
\$3,875.00 (Item 31/total net bid)
Valley Tree Farm - \$1,481.25 (Item 32/total net bid)
John Deere Landscapes - \$3,275.00 (Item 33/total net bid)
\$3,500.00 (Item 34 total net bid)
\$1,650.00 (Item 35/total net bid)

*No bids on Items 9, 14, and 17

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: In-Ground Two Post Vehicle Lift. (130807)

Automotive Equipment, Inc. - \$19,455.00 (Total net bid)

HOUSING SERVICES/PUBLIC HOUSING DIVISION: Storage Shed Construction at Various Sites. (097817)

Ruse Contracting - \$37,500.00 (Group 1/lump sum total)
\$37,500.00 (Group 2/lump sum total)

PUBLIC WORKS DEPARTMENT/MAINTENANCE DIVISION: Solar Powered Portable Message Sign. (132225 & 706826)

Addco Inc. - \$79,455.00 (Total net base bid)
\$ 3,600.00 (Option #1/lump sum)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Carpet Replacement at the Ford Rockwell Library. (130823)

Bob Smith Tile Co. - \$17,600.00 (Base bid/lump sum total)
\$ 3.00 (Option 1/per lineal foot)
\$ 3,500.00 (Option 2/lump sum total)

FIRE DEPARTMENT/MAINTENANCE DIVISION: Firefighter Protective Clothing. (070136)

Danko Municipal Emergency Services - \$75,217.80 (Group 1/total net bid)
\$ 7,186.40 (Group 2/total net bid)
Mid America Fire Apparatus - \$4,410.00 (Group 3/total net bid)
\$1,369.00 (Group 4/total net bid)
Danko Municipal Emergency Services - \$1,535.00 (Group 5/total net bid)
\$6,420.00 (Group 6/total net bid)

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FIRE DEPARTMENT/VEHICLE & BUILDINGS DIVISION: Slip-In Pump and Tank Units.
(070136)

Hays Fire Equipment Sales & Service Inc. - \$18,990.00 (Total net bid)

PUBLIC WORKS DEPARTMENT/MAINTENANCE DIVISION: Traffic Sign Faces. (132217)

Vulcan Signs - \$6,673.30 (Group 1/total net bid)

Signs and Blanks, Inc. - \$294.00 (Group 2/total net bid)

FINANCE DEPARTMENT/ (IT/IS) DIVISION Cooperative Contracts and Agreements: Wide Area
Network Project. (037200)

Compaq Computers - \$33,223.00 (State of Kansas Contract WSCA Pricing Servers)

FishNet Consulting, Inc. - \$22,980.00 (State of Kansas Contract Tokens)

Software Spectrum - \$29,432.80 (State of Kansas Contract Software)

SBC Data Comm - \$25,456.64 (State of Kansas Contract Cisco Equipment)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Main Library Third Floor
Auditorium Remodel. (130823)

Linder & Associates Inc. - \$1,222.00 (Group 1/total net bid)

Wichita Electric Co. Inc. - \$414.58 (Group 2/total net bid)

Ekeler Company LLC - \$6,600.00 (Group 3/total net bid)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Roof Replacement Park
Maintenance Facility and Boston Recreation Center. (130823)

Larry Walty Roofing Inc. - \$19,580.00 (Group 1/lump sum total)

Larry Booze Roofing Inc. - \$29,795.84 (Group 2/lump sum total)

MUNICIPAL COURT/PROBATION OFFICE DIVISION: Guard Services for Intervention Program.
(052308)

Myers Security Inc. - \$9.60 (Cost per man/per hour)

VARIOUS DEPARTMENTS/VARIOUS DIVISIONS: Hot and Cold Mix Asphalt. (132225)

APAC - Kansas Inc. - \$47.00 (Group 1/cold polymerized asphalt /item 1/per ton)

\$54.00 (Group 1/cold polymerized asphalt item 2/per ton)

\$54.00 (Group 1/cold polymerized asphalt/item 3/per ton)

\$36.00 (Group 2/cold laid asphalt/item 1/per ton)

\$43.00 (Group 2/cold laid asphalt/item 2/per ton)

\$43.00 (Group 2/cold laid asphalt/item 3/per ton)

Kansas Paving - \$39.50 (Group 3/hot mix asphalt/item 1/per ton)

WATER & SEWER DEPARTMENT/SYSTEM PLANNING & DEVELOPMENT DIVISION: 64"/42"
Raw Water Pipeline Along Amidon (Pipe Material Only). (183327)

Price Brothers Co. - \$1,166,546.44* (Group 2/alternate bid)

*Corrected total

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid,
and the necessary signatures be authorized. Motion carried 7 to 0.

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LICENSES

APPLICATIONS FOR LICENSES FOR ADULT ENTERTAINMENT ESTABLISHMENTS /SERVICES:

Renewal Adult Entertainment

Norman Massey Jr.	Circle Cinema	2570 South Seneca
Ronald H. Groves	Party Store	9601 East Kellogg

Motion --
-- carried

Knight moved that License Applications be approved subject to Staff review and approval. Motion carried 7 to 0.

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2001</u>	<u>(Consumption on Premises)</u>
John J. Murphy	Pizza Hut #301007*	550 North West Street
John J. Murphy	Pizza Hut #301008*	1708 East Pawnee
John J. Murphy	Pizza Hut #301020*	8977 West Central
John J. Murphy	Pizza Hut #301046*	333 East 47th Street
John J. Murphy	Pizza Hut #301065*	2181 North Rock Road
John J. Murphy	Pizza Hut #301073*	1035 North Broadway

<u>Renewal</u>	<u>2001</u>	<u>(Consumption off Premises)</u>
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Don Farquhar	Rolling Hills Country Club Golf Shop	7612 West Maple
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<u>New Operator</u>	<u>2001</u>	<u>(Consumption off Premises)</u>
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Bao Tran	Beh Fast-Trips Co. dba Conoco Gas Station	3448 West Douglass
Bao Tran	Beh Fast-Trips Co. dba Conoco Gas Station	10409 West Maple
Ann Tran	Tran Fast Trip	4001 South Seneca

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion --
-- carried

Knight moved that License Applications be approved subject to Staff review and approval. Motion carried 7 to 0.

PLANS AND SPECS.

SUBDIVISION PLANS AND SPECIFICATIONS.

There were no Subdivision Plans and Specifications submitted.

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a) 21st Street North and I-135 Interchange waterline relocation - 21st Street North and I-135 - 448-89539/636101/77180). Traffic to be maintained during construction using flagpersons and barricades. (Districts I and VI) - \$373,403
- b) 21st Street North and I-135 Interchange sanitary sewer relocation - 21st Street North and I-135 - 468-83203/620307/661431. Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$68,625
- c) Sanitary sewer relocation at 21st Street North and Piatt - 21st Street North and I-135 - 468-83199/620303/661427). Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$374,710

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- d) Water distribution system to serve Patterson Gardens Addition - along Flora, north of Central - 448-89618/634015/771186. Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$20,000
- e) Water distribution system to serve Patterson Gardens Addition - along Flora, north of Central - 448-89561/735010/470680. Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$7,840
- f) Central and Ridge Road Phase II Landscaping - Central and Ridge Road Phase II Landscaping - 472-83285/706805/200271. Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$174,355
- g) Water distribution system to serve Rocky Creek Addition and Rocky Creek Second Addition - north of 13th Street North, east of 127th Street East). (448-89617/735028/470698) Does not affect the existing traffic. (District II) - \$27,000

Motion -- carried

Knight moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

COST STATEMENTS STATEMENTS OF COST:

- a) Improving Tyler Road and 9th Street. Total Cost - \$387,801.19 (plus idle fund interest - \$6,498.91; less financing previously issued - \$390,000.00). Financing to be issued at this time - \$4,300.00. (706790/472-83169/200-244).
- b) Improving Woodlawn and Mainsgate – 2001 Intersection Program. Total Cost - \$288,379.84 (plus temporary note interest - \$4,875.33; less idle fund interest - \$4,255.17; less financing previously issued - \$275,500.00). Financing to be issued at this time - \$13,500.00. (706798/472-83221/201-254).
- c) Improving Lincoln Park Railroad Relocation. Total Cost - \$500,000.00 (plus temporary note interest - \$16,197.94; less idle fund interest - \$2,197.94; less financing previously issued - \$450,000.00). Financing to be issued at this time - \$64,000.00. (715572/N/A/249-076).
- d) Improving 1996 Intersection Program (Construction). Total Cost - \$1,043,528.85 (plus temporary note interest - \$32,351.56; plus idle fund interest - \$20,719.59; less financing previously issued - \$800,000.00). Financing to be issued at this time - \$296,600.00. (706291/472-82668/405-183).
- e) Improving Douglas Streetscapes (Construction). Total Cost - \$3,573,216.97 (plus idle fund interest - \$12,983.03; less financing previously issued - \$3,483,700.00). Financing to be issued at this time - \$102,500.00. (706473/472-82655/405-201).
- f) Improving 29th Street North, Amidon to Arkansas (Construction). Total Cost - \$1,840,089.22 (less idle fund interest - \$1,089.22; less financing previously issued - \$1,820,000.00). Financing to be issued at this time - \$19,000.00. (706580/472-82805/405-212).
- g) Improving K-96 Bicycle Path, from Oliver to Grove Park (Design). Total Cost - \$25,000.00 (less idle fund interest - \$400.00; less financing previously issued - \$15,000.00). Financing to be issued at this time - \$9,600.00. (706598/472-82850/405-213).
- h) Improving West Bank Amphitheater (Design). Total Cost - \$71,584.82 (less idle fund interest - \$1,615.82; less financing previously issued - \$68,169.00). Financing to be issued at this time - \$1,800.00. (792292/472-83029/358-263).
- i) Improving Naftzger Park- Landscaping, Paths and Park Furniture. Total Cost - \$237,981.11 (plus temporary note interest - \$3,579.41; less idle fund interest - \$3,539.48; less financing previously issued - \$227,500.00). Financing to be issued at this time - \$17,600.00. (785527/472-82672/440-083).

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- j) Improving Park Lighting- 1996 Park CIP. Total Cost - \$74,225.00 (plus temporary note interest - \$1,978.40; less idle fund interest - \$1,778.40; less private contributions - \$19,225.00; less financing previously issued - \$47,000.00). Financing to be issued at this time - \$8,200.00. (785600/N/A/440-091).
- k) Improving Watson Park- 1998/1999 Park CIP. Total Cost - \$172,406.61 (plus temporary note interest - \$518.81; plus idle fund interest - \$3,674.58; less financing previously issued - \$160,000.00). Financing to be issued at this time - \$16,600.00. (785824/472-82939/398-114).
- l) Improving Basketball and Tennis Courts- 1996 Park CIP. Total Cost - \$99,394.53 (plus temporary note 60; plus idle fund interest - \$4,508.87; less financing previously issued - \$100,000.00). Financing to be issued at this time - \$5,900.00. (785873/472-82970/399-119).
- m) Improving Harrison Park- 1999 Park CIP. Total Cost - \$54,505.78 (plus temporary note interest - \$473.17; plus idle fund interest - \$1,621.05; less financing previously issued - \$55,000.00). Financing to be issued at this time - \$1,600.00. (785881/472-82971/399-120).
- n) Improving Northeast Baseball/Soccer Complex Parking Lot. Total Cost- \$398,804.49 (plus temporary note interest - \$1,494.27; plus idle fund interest - \$6,401.24; less financing previously issued - \$378,000.00). Financing to be issued at this time - \$28,700.00. (785000/472-83139/399-131).
- o) Improving Park Facilities Renovation for Schell Park- 2000-2001 Park CIP.
(Deleted)
- p) (Third Partial) Estimate of Cost for improving Seneca, from 31st Street South to Pawnee (Construction) - \$1,210,000.00; less financing previously issued - \$1,070,000.00. Financing to be issued at this time - \$40,000.00. (706778/472-83084/200-236).
- q) (Second Partial) Estimate of Cost for improving Pawnee, Oak Knoll to Webb Road (Construction) - \$600,000.00; less financing previously issued - \$550,000.00. Financing to be issued at this time - \$50,000.00. (706782/472-83087/200-239).
- r) (Second Partial) Estimate of Cost for improving Webb Road, Pawnee to Harry (Construction) - \$600,000.00; less financing previously issued - \$500,000.00. Financing to be issued at this time - \$100,000.00. (706783/472-83093/200-240).
- s) (First Partial) Estimate of Cost for improving Museum District Boulevard (Construction) - \$2,600,000.00; less financing previously issued - \$0. Financing to be issued at this time - \$2,600,000.00. (706795/472-83228/200-248).
- t) (Second Partial) Estimate of Cost for improving 21st Street North and Arkansas - 2000 Intersection Program (Construction) - \$130,000.00; less financing previously issued - \$10,000.00. Financing to be issued at this time - \$120,000.00. (706799/472-83184/200-249).
- u) (Second Partial) Estimate of Cost for improving Hydraulic, MacArthur to 63rd Street South - \$350,000.00; less financing previously issued - \$250,000.00. Financing to be issued at this time - \$100,000.00. (706780/472-83140/200-263).
- v) (Second Partial) Estimate of Cost for improving Central and Ridge Road- 2000 Arterial Corridor (Construction) - \$800,000.00; less financing previously issued - \$600,000.00. Financing to be issued at this time - \$200,000.00. (706805/472-83057/200-271).
- w) (Second Partial) Estimate of Cost for improving 2000/2001 Sidewalk/Wheelchair Ramp Improvements - \$700,000.00; less financing previously issued - \$500,000.00. Financing to be issued at this time - \$200,000.00. (706806/472-83270/200-280).
- x) (Second Partial) Estimate of Cost for improving Woodchuck and Learjet Way (Construction) - \$625,000.00; less financing previously issued - \$25,000.00. Financing to be issued at this time - \$600,000.00. (706808/472-83286/201-273).

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- y) (Second Partial) Estimate of Cost for improving Hydraulic, 57th to MacArthur (Construction) - \$660,000.00; less financing previously issued \$260,000.00. Financing to be issued at this time - \$400,000.00. (706810/472-83324/201-275).
- z) (First Partial) Estimate of Cost for improving 2001 Arterial Street Design Program - \$75,000.00; less financing previously issued - \$0. Financing to be issued at this time - \$75,000.00. (706811/473-83314/201-276).
- aa) (First Partial) Estimate of Cost for improving McLean, Harry and Lincoln Intersections- 2001 Intersection Program (Design) - \$50,000.00; less financing previously issued - \$0. Financing to be issued at this time - \$50,000.00. (706813/472-83360/201-278).
- bb) (First Partial) Estimate of Cost for improving 21st Street North, 119th Street West to Maize Road (Construction) - \$20,000.00; less financing previously issued - \$0. Financing to be issued at this time - \$20,000.00. (706814/472-83364/201-279).
- cc) (First Partial) Estimate of Cost for improving Southeast Boulevard (K-15) Improvement between 31st Street South and I-135 Expressway - \$25,000.00; less financing previously issued - \$0. Financing to be issued at this time - \$25,000.00. (706815/472-83363/201-281).
- dd) (First Partial) Estimate of Cost for improving 2001 Bridge Design and Inspections - \$40,000.00; less financing previously issued - \$0. Financing to be issued at this time - \$40,000.00. (706816/472-83373/201-282).
- ee) (First Partial) Estimate of Cost for improving 2001 Street Rehabilitation Program - \$550,000.00; less financing previously issued - \$0. Financing to be issued at this time - \$550,000.00. (706818/472-83366/201-284).
- ff) (First Partial) Estimate of Cost for improving Central and Rock Road Intersection- 2001 Arterial Corridor Program - \$275,000.00; less financing previously issued - \$0. Financing to be issued at this time - \$275,000.00. (706819/472-83393/201-285).
- gg) (First Partial) Estimate of Cost for improving Hillside, Kellogg to Central- 2001 Corridor Street Design - \$75,000.00; less financing previously issued - \$0. Financing to be issued at this time - \$75,000.00. (706820/472-83361/201-286).
- hh) (First Partial) Estimate of Cost for improving Hillside, 17th Street to 21st Street North- 2001 Corridor Street Design - \$30,000.00; less financing previously issued - \$0. Financing to be issued at this time - \$30,000.00. (706821/472-83361/201-287).
- ii) (First Partial) Estimate of Cost for improving 21st Street North, Hillside to Oliver (Construction) - \$10,000.00; less financing previously issued - \$0. Financing to be issued at this time - \$10,000.00. (706823/472-83368/201-289).
- jj) (First Partial) Estimate of Cost for improving West Douglas Streetscapes - 2000 Arterial Design - \$75,000.00; less financing previously issued - \$0. Financing to be issued at this time - \$75,000.00. (706825/472-83148/201-291).
- kk) (Fifth Partial) Estimate of Cost for improving Central, West Street to McLean (Construction) - \$1,275,000.00; less financing previously issued - \$1,125,000.00. Financing to be issued at this time - \$150,000.00. (706789/472-82906/208-222).
- ll) (Sixth Partial) Estimate of Cost for improving 1998 Arterial Corridor Improvement Program- Phase I and II - \$1,400,000.00; less financing previously issued - \$1,050,000.00. Financing to be issued at this time - \$350,000.00. (706705/472-82932/208-224).

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mm) (Fourth Partial) Estimate of Cost for improving Seneca, Douglas to McLean (Construction) - \$240,000.00; less financing previously issued - \$110,000.00. Financing to be issued at this time - \$130,000.00. (706747/472-82966/208-228).

nn) (Third Partial) Estimate of Cost for improving 29th Street North, Oliver to Woodlawn (Construction) - \$330,000.00; less financing previously issued - \$310,000.00. Financing to be issued at this time - \$20,000.00. (706754/472-82996/208-229).

oo) (Fifth Partial) Estimate of Cost for improving Central, I-235 to West Street (Construction) - \$875,000.00; less financing previously issued - \$800,000.00. Financing to be issued at this time - \$75,000.00. (706762/472-83014/208-230).

pp) (Fourth Partial) Estimate of Cost for improving Harry, Webb Road to Greenwich Road (Construction) - \$475,000.00; less financing previously issued - \$460,000.00. Financing to be issued at this time - \$15,000.00. (706771/472-83091/209-232).

qq) (Third Partial) Estimate of Cost for improving Maple, Maize Road to 119th Street West (Construction) - \$725,000.00; less financing previously issued - \$650,000.00. Financing to be issued at this time - \$75,000.00. (706772/472-83092/209-233).

rr) (Second Partial) Estimate of Cost for improving Wichita, Dewey to Lewis (Construction) - \$75,000.00; less financing previously issued - \$40,000.00. Financing to be issued at this time - \$35,000.00. (706773/472-82938/209-234).

ss) (Seventh Partial) Estimate of Cost for improving Broadway, Kellogg to William (Construction) - \$686,000.00; less financing previously issued - \$606,000.00. Financing to be issued at this time - \$80,000.00. (705863/472-82412/405-140).

tt) (Third Partial) Estimate of Cost for improving K-96 Bicycle Path, from Oliver to the East City Limits (Construction) - \$203,800.00; less financing previously issued - \$103,800.00. Financing to be issued at this time - \$100,000.00. (706325/472-82675/405-186).

uu) (Fourth Partial) Estimate of Cost for improving 21st Street North, Hood to Broadway (Design) - \$73,500.00; less financing previously issued - \$63,500.00. Financing to be issued at this time - \$10,000.00. (706515/472-82783/405-205).

vv) (Fifth Partial) Estimate of Cost for improving Arkansas Riverbank- Phase 1 (Construction) - \$3,992,000.00; less financing previously issued - \$1,652,000.00. Financing to be issued at this time - \$2,340,000.00. (706556/472-82799/405-209).

ww) (Second Partial) Estimate of Cost for improving 55th Street Bridge at Big Slough (Construction) - \$145,000.00; less financing previously issued - \$130,000.00. Financing to be issued at this time - \$15,000.00. (715678/472-83041/240-086).

xx) (Second Partial) Estimate of Cost for improving Lincoln Bridge at Dry Creek (Construction) - \$215,000.00; less financing previously issued at this time - \$150,000.00. Financing to be issued at this time - \$65,000.00. (715680-472-83043/240-088).

yy) (Second Partial) Estimate of Cost for improving 53rd Street North Bridge at Little Arkansas River (Design) - \$70,000.00; less financing previously issued - \$50,000.00. Financing to be issued at this time - \$20,000.00. (715681/472-83171/240-089).

zz) (First Partial) Estimate of Cost for improving Lincoln Street Bridge at Fabrique Ditch - \$30,000.00; less financing previously issued - \$0. Financing to be issued at this time - \$30,000.00. (715685/472-83400/241-099).

aaa) (Fifth Partial) Estimate of Cost for improving Central Kansas Railway – Bayley Street (Construction) - \$1,930,000.00; less financing previously issued - \$1,865,000.00. Financing to be issued at this time - \$65,000.00. (715540/472-83032/248-067).

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- bbb) (First Partial) Estimate of Cost for improving Grove Park Design- 2000-2001 Park CIP - \$100,000.00; less financing previously issued - \$0. Financing to be issued at this time - \$100,000.00. (785008/N/A/390-140).
- ccc) (Third Partial) Estimate of Cost for improving Pedestrian Bridge at Third Street North, I-135 to Hillside- Part of 2000-2001 Park CIP - \$65,000.00; less financing previously issued - \$20,000.00. Financing to be issued at this time - \$35,000.00. (785012/N/A/390-144).
- ddd) (First Partial) Estimate of Cost for improving John's Sludge Pond – 1999 Park CIP - \$50,000.00; less financing previously issued - \$25,000.00. Financing to be issued at this time - \$25,000.00. (785899/472-82972/399-121).
- eee) (First Partial) Estimate of Cost for improving Park Path and Sidewalks – 2001 Park CIP - \$40,000.00; less financing previously issued - \$0. Financing to be issued at this time - \$40,000.00. (785021/N/A/391-153).
- fff) (Sixth Partial) Estimate of Cost for improving South Lakes Park- 1998 Park CIP - \$460,000.00; less financing previously issued - \$430,000.00. Financing to be issued at this time - \$30,000.00. (785766/472-82922/398-108).
- ggg) (Second Partial) Estimate of Cost for improving Various Park Lighting- 1999 Park Lighting - \$50,000.00; less financing previously issued - \$40,000.00. Financing to be issued at this time - \$10,000.00. (785915/472-82974/399-123).
- hhh) (Second Partial) Estimate of Cost for improving Various Swimming Pools - 1999 Park CIP - \$109,000.00; less financing previously issued - \$20,000.00. Financing to be issued at this time - \$89,000.00. (785949/472-82977/399-126).
- iii) (Second Partial) Estimate of Cost for improving Riverside Park System - \$362,000.00; less financing previously issued - \$112,000.00. Financing to be issued at this time - \$250,000.00. (785016/N/A/390-148).
- jjj) (First Partial) Estimate of Cost for improving 2001 Swimming Pool Improvements - \$80,000.00; less financing previously issued - \$0. Financing to be issued at this time - \$80,000.00. (785018/N/A/391-150).
- kkk) (First Partial) Estimate of Cost for improving 2001 Land Acquisition & Development (33rd Street North and Ohio) - \$195,000.00; less financing previously issued - \$0. Financing to be issued at this time - \$195,000.00. (785019/N/A/391-151).
- lll) (First Partial) Estimate of Cost for improving Park Facilities Renovations – 2001 Park CIP - \$40,000.00; less financing previously issued - \$0. Financing to be issued at this time - \$40,000.00. (785020/N/A /391-152).
- mmm) Omnisphere Repairs. Total Cost - \$328,480.96 (less idle fund interest - \$7,710.22; less financing previously issued - \$321,500.00; plus temporary financing - \$7,229.26). Financing to be issued at this time - \$6,500.00. (792314/435-276).
- nnn) Land Acquisition @ 1104 S. Meridian. Total Cost - \$785,252.11 (plus temporary financing - \$10,508.40; plus idle fund interest - \$10,839.49). Financing to be issued at this time - \$806,600.00. (792340/435-310)
- ooo) Land Acquisition @ 4444 S. Broadway. Total Cost - \$148,366.58 (plus temporary financing - \$2,000.34; plus idle funds - \$2,033.08). Financing to be issued at this time - \$152,400.00. (792343/435-313)
- ppp) Land Acquisition @ 42nd St North. Total Cost - \$191,932.50 (plus idle fund interest - \$2,767.50). Financing to be issued at this time - \$194,700.00. (792350/435-320)

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qqq) (Fifth Partial) Estimate of Cost for Lawrence Dumont Stadium Repairs - \$3,150,000; less financing previously issued - \$1,525,000. Financing to be issued at this time - \$1,625,000. (792051/358-234).

rrr) (First Partial) Estimate of Cost for Jabara Airport Improvements - \$450,000; less financing previously issued - \$0.00. Financing to be issued at this time - \$450,000. (792348/435-318)

sss) (Third Partial) Estimate of Cost for Vest Pocket Park - \$364,000; less financing previously issued - \$304,900. Financing to be issued at this time - \$59,100. (791848/435-213)

ttt) (Fifth Partial) Estimate of Cost for East Bank Water Walk - \$5,187,527; less financing previously issued - \$4,862,527. Financing to be issued at this time - \$324,800. (791467/435-175)

uuu) (Fourth Partial) Estimate of Cost for Wayfinding Signage - \$263,000; less financing previously issued - \$138,000. Financing to be issued at this time - \$125,000. (791749/435-203)

vvv) (Third Partial) Estimate of Cost for Farm and Art - \$282,000; less financing previously issued - \$207,000. Financing to be issued at this time - \$75,000. (792315/435-277)

www) (Second Partial) Estimate of Cost for Art Museum - \$1,200,000; less financing previously issued - \$800,000. Financing to be issued at this time - \$400,000. (792329/435-300)

xxx) (Second Partial) Estimate of Cost for Performance Contracting - \$1,300,000; less financing previously issued - \$575,000. Financing to be issued at this time - \$725,000. (792338/435-308)

Motion -- carried

Knight moved that the Statements of Cost be received and filed. Motion carried 7 to 0.

SANITARY SEWER

PETITION FOR SANITARY SEWER TO SERVE PART OF BONE'S SOUTH SENECA GARDENS ADDITION - EAST OF SENECA, SOUTH OF 55TH STREET SOUTH.
(District IV)

Agenda Report No. 01-1223.

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will extend sanitary sewer service within a retail/office area on the east side of Seneca, south of 55th Street South.

The Petition totals \$8,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-447

Resolution of findings of advisability and Resolution authorizing construction of Lateral 476, Southwest Interceptor Sewer, (east of Seneca, south of 55th Street South) 468-83331, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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SANITARY SEWER

PETITION FOR SANITARY SEWER TO SERVE PART OF VILM GARDENS SECOND ADDITION – WEST OF SENECA, SOUTH OF MACARTHUR. (District IV)

Agenda Report No. 01-1224.

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will extend sanitary sewer service to a new residential duplex at the intersection of Vilm and Elizabeth.

The Petition totals \$8,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-448

Resolution of findings of advisability and Resolution authorizing construction of Lateral 57, Main 3, Southwest Interceptor Sewer (west of Seneca, south of MacArthur) 468-83344, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

Agenda Report No. 01-1271.

In accordance with the Special Events Procedure, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The following street closure requests have been submitted:

1. Midtown Madness 5K Run/Walk
Saturday, November 10, 2001; 8:30 a.m. to 11:30 a.m.
 - Santa Fe from Murdock to 13th Street
 - St. Francis from 10th to 13th
 - 10th Street from Topeka to Santa Fe
 - Topeka from 10th to 11th
2. USD259 Veterans Day Celebration
Friday, November 9, 2001; 9:00 a.m. to 11:30 a.m.
 - Century II Drive from Main Street to Douglas

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion --

Knight moved that the street closure requests be approved subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets. Motion carried 7 to 0.

-- carried

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K-96 LAKE GRANT **K-96 LAKE GRANT.** (District I)

Agenda Report No. 01-1225.

On March 27, 2001, the City Council approved two applications for grant funding to construct improvements at property owned by the City (known as "K-96 Lake"); located near K-96 and I-135 in northeast Wichita. One application requested \$40,000 to construct ADA accessible fishing lakes, the other \$40,000 to develop fishing access trails, construct retaining walls and rampways, and install landscaping at the site. On August 22, 2001, the City was notified of an award in the amount of \$40,000 from the Kansas Department of Wildlife and Parks (KDWP) to develop ADA accessible trails with landscaping through the Community Lake Assistance grant program.

The Kansas Department of Wildlife and Parks (KDWP) is providing a total of \$40,000 in matching funds to make improvements at K-96 Lake in a concentrated effort to enhance urban fishing opportunities. To construct ADA accessible trails and landscaping, the City must provide a match of \$25,000 in materials and/or services.

Matching funds (\$25,000) will be provided by in-kind services and budgeted plant materials monies.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

HARDSHIP LIEN **RELEASE OF HARDSHIP DEFERRAL LIEN.**

Agenda Report No. 01-1226.

During the past year, the property owner of 440 South Kessler, applied for Special Assessment Hardship Deferral to defer payments of special assessment on paving project No. 472-82635. The property owner signed a Lien Agreement with the City of Wichita that was filed with Sedgwick County Register of Deeds.

The guidelines established for the Hardship Deferral Program state that if the property owner no longer meets the income guidelines the assessment will be paid or put back on the tax roll. This property owner does not meet the income qualifications for the 2001 tax year. Therefore, the assessment will be added to the tax rolls for a period of 15 years, beginning 2001.

There is no cost to the City of Wichita.

Motion --
-- carried

Knight moved that the Release of Hardship Deferral Lien Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

SPECIALS **AGREEMENT TO RESPREAD ASSESSMENTS: PREMIER ADDITION – NORTH OF KELLOGG, WEST OF GREENWICH ROAD.** (District II)

Agenda Report No. 01-1227.

The developer, Premier Holdings, L.L.C., has submitted an Agreement to respread special assessments within Premier Addition.

The land was originally included in an improvement district for a sanitary sewer improvement. The purpose of the Agreement is to respread special assessments to more fairly distribute the cost of the improvement.

There is no cost to the City.

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Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

KDOT

KDOT – HARRY, FROM OLIVER TO WOODLAWN. (District III)

Agenda Report No. 01-1228.

The 2001 Arterials Capital Improvement Program includes funds for reconstructing and widening Harry from Oliver to Woodlawn to provide a five-lane roadway (MS-200010). The Kansas Department of Transportation (KDOT) has agreed to participate in the project funding. The City will take bids for the project. A City/State Agreement has been prepared.

Provide a continuous two-way center left turn lane to increase through traffic carrying capacity and provide a separate lane for safer left turn movements.

The estimated project cost is \$3,270,000 of which \$2,200,000 paid by Federal Funds and \$1,070,000 paid by the City. KDOT will pay 80 percent of the cost of construction and construction engineering. The funding source for the City share is General Obligation Bonds.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

KDOT

KDOT – CENTRAL BRIDGE AT TARA. (District II)

Agenda Report No. No. 01-1229.

The 2001 Bridges Capital Improvement Program includes funds to replace the Central Bridge at Tara (B-241003). The Kansas Department of Transportation (KDOT) has agreed to participate in the project funding. The City will take bids for the project. A City/State Agreement has been prepared.

The existing bridge has a reduced sufficiency rating that indicates major repairs or replacement will be required within the next ten years.

The estimated project cost is \$620,000 of which \$450,000 paid by Federal Funds and \$170,000 paid by the City. KDOT will pay 80 percent of the cost of construction and construction engineering. The funding source for the City share is General Obligation Bonds.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

RENOVATION

FAIRMONT COMMUNITY CENTER RENOVATION. (District I)

Agenda Report No. 01-1230.

The Fairmount Community Center, located at 1647 North Yale is in need of renovations to make it a useable facility for community activities. The proposed renovation project will provide for ADA restrooms, kitchenette, new water and sewer lines, new hot water tank, new heating and cooling equipment, new interior lighting, replacement of floor tile, window glass replacement, and new roof.

The City solicited Request for Proposals (RFP) from general contractors and architects to engage in both design and construction (design/build) of the proposed renovations on September 17, 2001.

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Five firms responded as follows: Carrico Construction Co., Inc., Compton Construction Corp., Martin K. Eby Construction Co., Inc., Robl Commercial Construction, Inc., and Sutherland Builders, Inc. The Staff Screening and Selection Committee selected Sutherland Builders, Inc. based on its design and work history with the City on other projects.

The Project total is \$100,000 and will be funded from the Enhanced Building Maintenance Fund (OCA #792310, Project #435272).

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

REMINGTON PLACE SUPPLEMENTAL AGREEMENT – CONSTRUCTION ENGINEERING AND STAKING – REMINGTON PLACE ADDITION – EAST OF WEBB, SOUTH OF 21ST. (District II)

Agenda Report No. 01-1231.

The City Council approved the project on April 24, 2001. On October 23, 2001, the City approved an Agreement with Professional Engineering Consultants, P.A. (PEC) to design the improvements. The Design Agreement with PEC requires PEC to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and PEC provides for construction engineering and staking for the improvements in Remington Place Addition. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$33,700 and will be paid by General Obligation Bonds.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

DESIGN SERVICES AGREEMENT FOR DESIGN SERVICES FOR LEGACY SECOND ADDITION – WEST OF MERIDIAN AT 44TH STREET SOUTH. (District IV)

Agenda Report No. 01-1232.

The City Council approved the project on September 11, 2001.

The proposed Agreement between the City and Savoy, Ruggles & Bohm, P.A. (SRB) provides for the design of bond financed improvements in Legacy 2nd Addition. Per Administrative Regulation 7a, staff recommends the selection of SRB because SRB provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$12,200, and will be paid by special assessments.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

HISTORIC SURVEYS HISTORIC SURVEYS – DELANO III AND MCADAMS RECONNAISSANCE SURVEYS.

Agenda Report No. 01-1233.

As a Certified Local Government (CLG), the City of Wichita is eligible to participate in the Historic Preservation Fund (HPF) Grant program administered by the Kansas State Historic Preservation Office to finance activities that will contribute to planning for the preservation of constructed environment and

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archaeological resources. The City's Historic Preservation Office was awarded grants to complete the Delano III and the McAdams Reconnaissance Surveys.

On May 22, 2001, the City Council authorized the MAPD to hire graduate students from the WSU Masters in Public History Program through an informal interview process. Three contracts are being submitted to complete the surveys. The recommended contracts are with: Angela Heger (\$11,502) to conduct the field survey of the Delano III survey area; Barbara Hammond (\$7,248) and Dru Saddler (\$1,800) to complete the photographic documentation required for the two surveys.

The City may cancel the contracts upon written notice to the consultant.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

HYATT

ASSET MANAGEMENT AGREEMENT - HYATT.

Agenda Report No. 01-1234.

On September 25, 2001, the City Council approved a Purchase and Sale Agreement between the City and East Bank Hotel Associates, L.L.C. ("EBHA") for the purchase of EBHA's leasehold interest in the Hyatt Regency Wichita Hotel. With the purchase of said leasehold interest, the City becomes the sole owner of the Hyatt Regency Wichita and as such will assume responsibility for oversight over various operational and financial areas with respect to management of the Hyatt. Day-to-day management of the hotel will be contracted to an independent third-party hotel management company. However, the City wishes to engage the services of a reputable national firm of hotel consultants to serve as the City's Hotel Asset Manager.

PKF Consulting of Houston, Texas has served as the City's principal advisor on its dealings respecting the Hyatt Regency Hotel, going back to the original market feasibility study and selection of the hotel developer. PKF Consulting is a national leader in the field of hospitality consulting services, with offices in most major cities in the U.S. and overseas. John Keeling is a senior vice president in charge of the Houston Office of PKF Consulting and has been involved in the Hyatt Regency Wichita project since its inception. Mr. Keeling and his firm are eminently qualified to serve as the City's Hotel Asset Manager.

Asset management is defined as the oversight of the long term value of the hotel as a real estate entity, while maintaining the business value and profitability of the operations of the hotel. The asset manager is an agent of the hotel owner and provides a knowledgeable and experienced interface between the owner and the management company. The asset manager makes recommendations to the hotel owner concerning performance and improvements relative to the management of the hotel, capital budgets, the condition of the physical plant, financial reporting, monitoring of contract compliance, and so on.

It is proposed that the Hotel Asset Manager will (initially) assist the City in completing the transfer of ownership from EBHA and any transition in the management of the hotel that may occur. In addition, the Hotel Asset Manager will visit the property on a quarterly basis and meet with hotel management personnel (and the City) to evaluate operations and progress with any changes, capital improvement projects, etc. and to review in detail the financial performance of the hotel. The proposed term of the initial engagement of PKF Consulting as the Hotel Asset Manager is for a term ending December 31, 2003.

The proposed compensation for on-going hotel asset management services from PKF Consulting are based on hourly rates which are estimated to result in annual charges of approximately \$30,000. The source of funding of the City's hotel asset management costs will be from hotel operating cash flow. The additional cost of assisting the City with ownership and management transition matters will be billed on an hourly basis with a not-to-exceed limit of \$20,000.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

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REGENT

RESTRUCTURING OF REGENT WICHITA HOLDINGS, INC.

Agenda Report No. 01-1235.

In 1996, the City entered into a series of agreements with the East Bank Hotel Associates, L.L.C. ("EBHA") concerning the development, lease and operations of the Hyatt Regency Wichita Hotel. Regent Partners, Inc., through its subsidiary Regent Wichita Holdings, Inc., is a member of EBHA. Regent Partners, Inc. is a member of a family of related companies whose parent company is J.A. Jones, Inc. The entire Regent family of companies desires to change its corporate structure from corporations to limited liability companies. Because of the contractual relationship between EBHA and the City of Wichita with respect to the Hyatt Regency Wichita, Regent Partners, Inc. is asking the City to consent to this restructuring.

The proposed restructuring does not materially affect the contractual relationship between the City and EBHA or Regent Partners, Inc. EBHA will no longer own a leasehold interest in the Hyatt Regency Wichita once the City has closed on its purchase of said leasehold interest. Regent Partners still wishes for Regent Wichita Holdings, Inc. to be included in the restructuring for reasons relating to federal taxation.

There is no financial effect on the City caused by the proposed restructuring.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

HISTORIC PRES.

HISTORIC PRESERVATION FUND GRANT PROPOSAL.

Agenda Report No. 01-1236.

Staff Recommendation: Authorize submission of grant proposal.

As a Certified Local Government (CLG), the City of Wichita is eligible to participate in the Historic Preservation Fund (HPF) Grant program administered by the Kansas State Historic Preservation Office to finance activities that will contribute to planning for the preservation of constructed environment and archaeological resources.

The proposals were presented to the Development Coordinating Committee on October 25, 2001, and were approved unanimously. The proposals are:

Design Review Staff – MAPD, Historic Preservation Office is requesting funds from the Historic Preservation Fund grant program to assist in paying the salary of the design review assistant to be staffed at 30 hours per week for 52 weeks. The Historic Preservation Office budget has funds available to hire an intern. This money is used as match to increase the salary amount thereby increasing the number of hours of intern staff time.

City Match	\$ 10,374
Federal Match	<u>\$ 15,520</u>
Total	\$ 25,894

Park System Survey – The grant will be used to pay for a consultant to conduct a survey of 31 parks in the city limits that are a minimum of 50 years old. This list is derived from the Parks Department, Locations and Facilities. This proposal is a unanimous request of the Historic Preservation Board to identify historic context of the parks and buildings – some WPA – located in the parks listed in the proposal.

City Match	\$ 7,155
Federal Match	<u>\$ 10,000</u>
Total	\$ 17,155

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National Register Designation of local listed historic districts – This grant would provide the funding to hire a consultant to write the national register nominations for the Bitting Historic District, Park Place/Fairview Historic District, Topeka/Emporia Historic District, the East Douglas Historic District, and the Old Town Overlay District. Following passage of the 25 percent State Historic Income Tax Credit, the Historic Preservation Office mailed letters and has received numerous calls relating to state/national register designation. The State Tax Credit is user-friendly in that both residential and commercial properties are eligible to participate and only a minimum of \$5,000 is required to be invested in the property. The program follows the Federal Historic Income Tax credit requirements. The property must be listed in the state or national registers, and the rehabilitation must be certified.

There has also been interest expressed by commercial property owners. The state or national register listing of the local historic districts does not create any additional review requirements than existing requirements for the properties within the districts. The one difference will be the state environs review law will come into effect for all properties within 500 feet of the districts. Presently, there are environs reviews occurring in some of these districts because there are individually listed properties within their boundaries.

The Old Town District, which is not a historic district, will be a totally new designation, however, properties within that district undergo the same type of design review, just by a different board.

City Match	\$ 18,000
Federal Match	<u>\$ 27,000</u>
Total	\$ 45,000

HPF grants require a 40 percent match of the total project cost. The total project cost for the Design Review Assistant is \$25,894 with federal match of \$15,520 and City match of \$10,374. The total project cost for the National Register Designation of Local Listed Historic Districts is \$45,000 with federal match of \$27,000 and City match of \$18,000. These two proposals require City Council authorization for submission because the City match exceeds \$10,000. Deadline for submission of proposals is November 16, 2001.

The 40% match required for the grant is wages and benefits of Planning Department staff involved in the project. The proposals can be withdrawn from consideration at anytime.

Motion --
-- carried

Knight moved that submission of the Grant applications and receipt of funds be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

SECTION 8

SECTION 8 VOUCHER PAYMENT STANDARDS.

Agenda Report No. 01-1237.

The Department of Housing and Urban Development published a notice of Fair Market Rents (FMRs) to be effective October 1, 2001. The FMRs are calculated to be at the 50th percentile of rents in the Wichita area, and include an allowance for utilities.

The Quality Housing and Work Responsibility Act (QHWRA) of 1998 requires that Housing Authorities operating Section 8 Voucher Programs establish Section 8 Voucher Payment Standards between 90 and 110 percent of the Published Fair Market Rent for each bedroom size. The payment standards are used to calculate the amount of the monthly subsidy.

The QHWRA also includes a provision that a family which initially receives Section 8 tenant-base assistance may not be required to pay more than 40 percent of their adjusted monthly income for rent and utilities. Because of the favorable economy in Wichita (as with many other parts of the country) rents have risen faster than inflation, making many rental units unavailable to new Section 8 tenants if voucher amounts are calculated at 100 percent of the FMR. In addition, the lower payment standard has the effect of restricting geographically to lower income areas.

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The Housing Advisory Board reviewed the proposed payment standards on October 23, 2001, and recommended setting the payment standard for 0, 1, and 2 bedroom units at 110 percent of the FMR and setting 3- and 4-bedroom units at 105 percent, and 5- and 6-bedrooms at 100 percent. Establishment of percentages is based on previous standard percentages and rent levels determined by market conditions.

Below is a table of the FMRs effective October 1, the current payment standards and the recommended increased payment standards.

BEDROOM SIZE

	<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>
FMR (10/1/2001)	362	435	582	781	851	978	1106
Current Pmt. Standard	365	438	587	758	819	897	1014
Recommended PS	398	478	640	820	893	978	1106

Upon adoption by the City Council the revised payment standards will be put into effect retroactive to October 23, 2001, and will apply to new tenants as well as to each current tenant as annual recertifications are completed.

Payment standards include the rent to owners plus tenant paid utilities.

The impact of increasing the payment standards is to increase the maximum eligible amount of assistance per tenant, which results in fewer households served. The Housing Authority must operate within the budget set by HUD.

Adoption of payment standards that are lower than market conditions reduces likelihood that voucher holders can identify units to lease.

Motion -- carried

Knight moved that the revised payment standards be approved. Motion carried 7 to 0.

VENDOR

ASBESTOS/LEAD SURVEY - SELECTION OF VENDOR.

Agenda Report No. 01-1238.

Various City departments require asbestos and lead paint survey services for demolition and remodeling projects as required by the Environmental Protection Agency (EPA) and the Kansas Department of Health and Environment (KDHE). Requests for Proposals (RFP) were mailed to companies performing these services on September 7, 2001.

Seven (7) firms responded to the proposal as follows: Allied Environmental Consultants, Inc., Environmental Management, Inc., Integrated Solutions, Minority Contractors & Consultants, Inc. (MCCI), Precision Environmental Services, Professional Service Industries, Inc., and Workplace Injury Prevention & Evaluation, Inc. (WIPE). Allied Environmental Consultants, Inc., Integrated Solutions, and Precision Environmental Services were the only firms meeting the requirements of the RFP. Precision Environmental Services was selected because they had the lowest solicitation total.

The Contract will not obligate the City to any specific purchases or volume of purchases on asbestos / lead surveys. It only provides the departments the ability to obtain asbestos /lead surveys from the most qualified, cost-effective vendor.

The Law Department will review and approve the Contract as to form. The Contract will be for one (1) year with annual renewal options for an additional two (2) years.

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Motion --
-- carried

Knight moved that the selection of Precision Environmental Services be approved and the necessary signatures be authorized. Motion carried 7 to 0.

VENDOR

SERVICE CAREER AWARDS.

Agenda Report No. 01-1239.

The City of Wichita formally recognizes employees who have completed ten (10) and twenty-five (25) years of service. The Personnel Division oversees the program and notifies all employees reaching their tenure to select an award choice.

Since 1994, O. C. Tanner has been the sole vendor in providing these awards. This year Requests for Proposals were solicited to local vendors. Proposals were opened on August 27, 2001. Three responses were received; CA Short; O C. Tanner and J. H. Recognition Company.

Of the three vendors, it was unanimously decided - based on selection, delivery, references, presentation and price - that CA Short would best fulfill the requirements for the City of Wichita. Over the past 60 years, CA Short has developed into a premier provider for Safety and Personal Recognition Service Award programs that feature awards targeted for employees.

CA Short Company fully warrants all products from manufacturers' defects for one full year from the date of purchase, including a 30-Day "No-Question-Asked Exchanged Warranty." Pricing is fixed from one year, regardless of the number of recipients.

The Career Award Program is budgeted for an estimated expenditure of \$17,000 - \$20,000. This amount varies each year depending of the number of employees that reach 10 or 25-years.

The Law Department will approve the contract as to form.

Motion --
-- carried

Knight moved that the selections of vendors and the Contracts be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

WATER BILLS

UPGRADE FOR REMITTANCE PROCESSOR.

Agenda Report No. 01-1240.

City Hall Express operates a remittance processing facility that electronically posts in excess of 1.2 million water bills annually. The remittance processing equipment utilized by this office has the ability to scan water bills creating electronic payment entries while at the same time imaging the correspondence for future record retention and research. The software operating the remittance processor has been utilized since 1997 and runs in an obsolete operating system environment. The vendor of this equipment will no longer support the software beyond December 31, 2001

A Request for Proposal was issued in July 2001 seeking new replacement software. Seven proposals were received. A review committee evaluated the proposals and extended invitations for on-sight demonstrations to three vendors: Inforscore, Netvantage and Fairfax Imaging. Fairfax Imaging was chosen because of its proven experience, cutting-edge software technology with modules that will allow for the expansion of the remittance processing functions, strong financial stability, agreement to ship in a spare transport insuring no down time, and very competitive pricing. Some hardware additions will also be required to operate the enhanced software.

The Water & Sewer Department will pay the initial cost of \$134,000. However, other departments will be able to use this software package as well.

Funding for this unforeseen expense will be from Account W-384 to W-901 (Remittance Processor) in the budget and the total CIP budget will remain unchanged.

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The approval of the City Council is required to sign contracts in excess of \$10,000 and to modify the CIP.

Motion --
-- carried

Knight moved that the expenditure, CIP modification, and Contract be approved; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 01-450

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the Water and Sewer Utility owned and operated by the City, and to issue Revenue Bonds in a total principal amount which shall not exceed \$134,000, exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

WATER MAINS

WATER DISTRIBUTION MAIN REPLACEMENT PROGRAM.

Agenda Report No. 01-1241.

A water distribution mains replacement program is included in the ten-year Capital Improvement Program to provide annual funding for the replacement of the older mains in the system. Many water mains have been used beyond their design life and are leak-prone. The majority of the water system leaks occur in galvanized mains and the water main replacement program is targeted to replace them.

The mains to be replaced exceed satisfactory leak levels. By replacing the older 2" mains with 8" and 6" mains, improved water and fire service will be available to citizens and an estimated savings of \$7,164 per mile in maintenance costs will be realized. In order to continue the replacement without interruption, contracts for the initial work (to be done in 2002) need to be signed in 2001. Staff is requesting that 2002 funds be allocated now so that the contracts can be bid and signed, though the funds will not be spent until 2002.

Distribution Main Replacement (CIP W-67) is budgeted for \$4,000,000 in 2002 and will be funded from future revenue bonds and/or Water Utility cash reserves. The annual cost for maintaining water mains will be reduced \$73,000 for each year of the project.

Motion --
-- carried

Knight moved that the project expenditures be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-449

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue Revenue Bonds in a total principal amount which not exceed \$4, Million, exclusive of financing costs, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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WATER UTILITY

WATER UTILITY – COLLECTION AGENCY SELECTION.

Agenda Report No. 01-1242.

The City's bad debt collections have been performed by Omni Credit Services for the last three years. The contract with Omni has expired and a Request for Proposal (RFP) was issued to vendors who have the capability of providing these services.

Seven firms responded to the RFP. Criteria for selection was focused on projected recovery rates and percentages of commission paid on collections. KCI (the recommended vendor) bid a projected recovery rate of 28% and a commission rate of 20.5%. There were three firms that indicated a projected recovery rate of 30% or above. One firm bid a lower commission (19%) but a recovery rate of 18-22%. From the standpoint of net recovery, KCI is quite competitive. In addition, KCI is a local firm with contracts with other major local utility providers. This will allow KCI to achieve economies of scale by jointly pursuing debts owed by the same consumer.

Projected average annual write-offs are \$350,000. The net recovery level would be \$77,910 at a recovery rate of 28% and payment of a 20.5% commission under the terms of the KCI proposal.

The contract will be for a one-year period with an optional one-year renewal with the possibility of an additional two years under the same terms and conditions by mutual consent. The Purchasing Manager will negotiate the contract with review and approval of the Law Department.

Motion --
-- carried

Knight moved that the vendor selection be approved; and negotiation of Contract and necessary signatures be authorized. Motion carried 7 to 0.

BUDGET

BUDGET ADJUSTMENT – CONTRACTED LABORATORY TECHNICIAN HELP.

Agenda Report No. 01-1243.

The Laboratory is in need of temporary lab technician support. The lab consists of a lab director, two bacteriologists and a secretary.

The Lab Director position has recently been vacated. Additionally, one of the bacteriologists is scheduled for 12 weeks of leave beginning November 1st. The remaining bacteriologist is unable to provide all the necessary laboratory services for the department.

Health Department staff has contracted with Manpower Inc. for the services of a laboratory technician beginning the middle of October and continuing through the end of January.

The anticipated cost is \$15,300 (17 weeks @22.50/hour), \$10,800 of which will occur in 2001. Savings accrued from the vacant Lab Director position would be used to cover these costs. Savings of \$15,500 (\$64,000 annually or \$1,230/week for 12.6 weeks) in salary and another \$4,500 in benefits will be realized if the position (as planned) remains vacant through the end of 2001. The Lab Director position is authorized in the City/County Trust & Agency Fund; this is the funding source to be utilized for the temporary help.

Budget adjustments in excess of \$10,000 require approval from the City Council.

Motion --
-- carried

Knight moved that the budget adjustment to transfer \$10,800 from Personnel costs to Contractual Services to pay for costs of temporary help in the Health Department laboratory be authorized. Motion carried 7 to 0

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HOUSING

WICHITA HOUSING AUTHORITY/SECTION 8 AND PUBLIC HOUSING BUDGET ADJUSTMENTS.

Agenda Report No. 01-1244.

The WHA Section 8 Voucher Program needs to transfer \$55,000 from Personal Services to Contractual Services and Commodities to accommodate the renovation of WHA offices, increased Data Processing charges, in-town training costs, staff relocation, and FY2000 encumbered expenses. The WHA Public Housing (PH) Program needs to transfer \$117,000 from Personal Services to Contractual Services and Commodities to accommodate the renovation of WHA offices, increased building maintenance, FY2000 encumbered expenses.

WHA requests that the PH Personal Services budget be reduced by \$117,000 and the Contractual and Commodities budgets be increased by \$117,000. This budget transfer will cover estimated costs resulting from WHA office renovations, increased building maintenance, and FY2000 encumbered costs of \$49,000 for a Fire unit as 1527 Catalina. The Public Housing Operating Budget previously approved will not change.

WHA requests that the Section 8 Voucher Personal Services budget be reduced by \$55,000 and the Contractual and Commodities budgets increased by \$55,000. This budget transfer will cover estimated costs resulting from WHA office renovations, training, increased Data Processing costs and FY2000 encumbered costs of \$10,780. The Section 8 Voucher Budget previously will not change.

The changes to the budgets will only impact WHA federally funded budgets with no total budget increases. There is no impact on the City's non-federal budget.

Council approval is required for all grant budget changes of \$10,000 or more.

Motion -- carried

Knight moved that the budget adjustment be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF 1651 EAST MACARTHUR FOR SOUTH HYDRAULIC IMPROVEMENT PROJECT. (District III)

Agenda Report No. 01-1245.

South Hydraulic from MacArthur to 57th Street South was declared a major trafficway by City Council action on February 27, 2001. The improvements required to upgrade Hydraulic near the intersection with MacArthur will require the partial acquisition of four tracts. One of the tracts required is a portion of 1651 East MacArthur, owned by Linda Hansen. The property contains 79,074 square feet and is improved with a 7,795 square foot retail and commercial building.

The planned improvement of Hydraulic will require a corner clip of the site's northeast corner. The acquisition consists of 312.5 square feet; a pole sign will also be moved to allow for a drive closure. The acquisition and cost to cure for the sign were appraised for \$2,800. This amount was offered to the owner and accepted.

Funds have been budgeted in the Capital Improvement Program for acquisitions for this project. The funding source will be General Obligation Bonds. A budget of \$3,800 is requested. This includes \$2,800 for the acquisition, and \$1,000 for closing costs and title insurance.

Motion --

-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

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PROPERTY ACQ.

ACQUISITION OF 4702 SOUTH HYDRAULIC FOR SOUTH HYDRAULIC IMPROVEMENT PROJECT. (District III)

Agenda Report No. 01-1246.

South Hydraulic from MacArthur to 57th Street South was declared a major trafficway by City Council action on February 27, 2001. The improvements required to upgrade Hydraulic near the intersection with MacArthur will require the partial acquisition of four tracts. One of the tracts required is a portion of 4702 S. Hydraulic, owned by Anthony Griffin. The property contains approximately 35,000 square feet and is improved with a 1,148 square foot residence and two-car attached garage.

The planned improvement of Hydraulic will require a 10 foot strip of land along the west property line. The acquisition consists of 2,078 square feet and a tree will need to be removed. The acquisition and cost to cure were appraised for \$10,000; the owner has agreed to this amount.

Financial Considerations: Funds have been budgeted in the Capital Improvement Program for acquisitions for this project. The funding source will be General Obligation Bonds. A budget of \$11,500 is requested. This includes \$ 10,000 for the acquisition, and \$1,500 for closing costs and title insurance.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PAVING

AMENDING RESOLUTION: 26TH STREET, ALEY, AND BURNETT STREET PAVING. (District VI)

Agenda Report No. 01-1247.

On December 19, 2000, the City Council approved a Petition to pave part of 26th Street North, Aley, and Burnett west of Broadway. The Petition contained an error in the description of the improvement district.

There is no impact on the project budget.

State Statutes grant the City Council authority to modify improvement district legal descriptions by an amending Resolution.

Motion -- carried

Knight moved that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-451

A Resolution amending Resolution No. R-00-442 pertaining to the improving of 26th Street North from the east line of the Drainage Canal to the west line of Market, Aley from the west line of Fairview to the west line of Market and from the east line of Market to the west line of Broadway and Burnett from the east line of the Drainage Canal to the west line of Market and from the east line of Market to the west line of Broadway, 472-83301, in the City of Wichita, Kansas, pursuant to the findings of Advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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TRANSIT

RESOLUTION AUTHORIZING FEDERAL TRANSPORTATION GRANT.

Agenda Report No. 01-1248.

The Federal Transportation Administration (FTA) grant application process requires a resolution by the governing body authorizing Staff to file grant applications, receive funds, and administer the grant program. The purpose of this Resolution is to authorize Staff to file for eligible federal funds for the support of the City's transit services for FY 2002 capital purchases and transit operation (pursuant to Section 5307 Urbanized Area Formula Annual Apportionment). The authorized total federal apportionment for FY 2002 is estimated at \$3,352,000. An opportunity will be provided for a public hearing and other public input on November 1, 2001. Section 5307 is an 80 percent federal, 20 percent local match program.

The proposed Resolution authorizes funding to support the following:

- purchase of 9 paratransit replacement vans;
- purchase of 2 trolleys;
- purchase of 2 support vehicles;
- purchase of bus benches;
- facility improvements and renovations;
- maintenance, including personnel costs, vehicle overhauls, parts and equipment;
- special services, including ADA operating expenses;
- transit enhancement and security projects; and
- planning and training activities.

Total grant budget is \$4,192,400; eighty percent federal share is \$3,353,920. The State of Kansas Corporation Commission (KCC) will fund \$35,000 of the local share; the Kansas Department of Transportation (KDOT) will fund \$90,000, and the City of Wichita will fund \$713,480. This budget will utilize all FY 2001 carryover federal funds of \$1,156,217 as well as \$2,197,703 from FY 2002. Wichita Transit will have \$1,154,297 in federal carryover funds for future projects. These projects are included in the FY2002 Budget and CIP.

Motion -- carried

Knight moved that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-452

A Resolution authorizing the filing of an application with the Department of Transportation, United States of America, for a Grant under the Urban Mass Transportation Act of 1964, as amended, to support FY 2001 Section 5307 Projects, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

PRESBYTERIAN M.

AMEND SUPPLEMENTAL BOND INDENTURE – PRESBYTERIAN MANORS, INC.

Agenda Report No. 01-1249.

On September 11, 2001, City Council approved issuance of Health Care Facilities Refunding Revenue Bonds for Presbyterian Manors, Inc. (PMI) in the amount not-to-exceed \$25,000,000. The bond proceeds will be used primarily to refinance currently existing debt and pay costs of issuance. A small portion of the bonds will be used to construct improvements and acquire equipment for the PMI facilities in Kansas. Due to a processing error in preparing the issuance documents, a portion of the language providing for certain options to invest proceeds was inadvertently omitted from the Supplemental Bond Indenture.

To correct the error, it is necessary to adopt an Ordinance authorizing the Amendment to Seventh Supplemental Bond Indenture.

There is no financial impact on the City resulting from the amendment.

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Bond Counsel has prepared the form of the Amendment to Seventh Supplemental Bond Indenture and the authorizing Ordinance.

Motion --
-- carried

Knight moved that Ordinance authorizing the Amendment to the Seventh Supplemental Bond Indenture be placed on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance authorizing the City of Wichita, Kansas to amend the Seventh Supplemental Bond Indenture executed and delivered in connection with the issuance of its Health Care Facilities Refunding Revenue Bonds, Series VIII-A, 2001, Series VIII-B, 2001 (Presbyterian Manors, Inc.) in the aggregate principal amount of \$20,725,000, introduced and under the rules laid over.

(Addendum No. 35A)
EDUCATION DAY

RESOLUTION SUPPORTING NATIONAL EDUCATION DAY.

RESOLUTION NO. 01-453

WHEREAS the community school --- open evenings, weekends, and during the summer --- is a focal point for community activities and services;

WHEREAS the citizens of the City of Wichita, Unified School District 259 are committed to meeting the educational, health, social services, cultural, recreational, and involvement needs of all members of the community; and the community school is an effective delivery system for achieving Community Education; and

WHEREAS Community Education espouses lifelong learning, self-determination, maximizing resources, and institutional responsiveness to public needs and interests; and with the help of Community Advisory Councils, AmeriCorps and other concerned and able citizens develops opportunities for learning throughout our community; and

WHEREAS the theme of National Community Education Day in 2001 is "Community Education: A Beacon for All Ages"; and the City of Wichita and Wichita Public Schools continue to endeavor to provide schools and centers that foster lifelong learning and a beacon of hope for our community,

THEREFORE, BE IT RESOLVED that I, Bob Knight, Mayor of the City of Wichita, Kansas, do hereby proclaim November 20, 2001 Community Education Day in the City of Wichita, Unified School District 259.

We call upon our citizens to observe Community Education Day by supporting the creation of community schools, places where all members of the community can gather to learn, to have fun, to become involved, and to receive services, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

COX CABLE

ASSIGNMENT OF CABLE TELEVISION FRANCHISE TO COX COMMUNICATIONS KANSAS, LLC.

Agenda Report 01-1250.

Multimedia Cablevision, Inc., was granted a 15-year franchise in 1990 for cable television service. The franchise was amended in February, 1994, for a new 15 year term, to broaden the scope of the franchise to include a broadband telecommunication network (which includes the fiber optic infrastructure). At the request of Multimedia, the City approved the transfer of the franchise to CoxCom, Inc., a wholly owned subsidiary of Cox Communications, Inc., on September 14, 1999, which was effective January 31, 2000. CoxCom has now requested that the City approve the transfer of its franchise to its wholly-owned subsidiary, Cox Communications Kansas, LLC. The franchise requires City consent to the franchise transfer.

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Under the Franchise, the City may approve the transfer of a cable franchise by ordinance upon a showing of financial responsibility and agreement by the transferee to comply with the franchise provisions. Cox Communications Kansas LLC has agreed to assume the rights and obligations of the franchise. It will be required to file the necessary documents and bonds prior to the effective date of the transfer. CoxCom has agreed to provide a Guaranty of the continued performance under the franchise. The ordinance authorizes the transfer.

The transfer will not affect the compensation under the franchise.

The City may approve the transfer when it has received the necessary assurances; approval must be accomplished by ordinance.

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance of the City of Wichita consenting to the assignment of the Broadband Communications Network Franchise of CoxCom, Inc. to Cox Communications Kansas, L.L.C. ,introduced and under the rules laid over.

GO BONDS

GENERAL OBLIGATION TEMPORARY NOTE SALE (SERIES 204).

Agenda Report No. 01-1271.

On September 25, 2001, the City Council approved the acquisition of the Hyatt hotel leasehold and adopted an ordinance authorizing the issuance of general obligation bonds to finance the acquisition costs. The City will acquire from the private investors their leasehold equity interest in the hotel and refinance the \$15.7 million bank loan. The debt burden on the hotel can be significantly lowered by taking advantage of lower interest costs available to the City.

The City is issuing a note in order to provide temporary financing for costs associated with the purchase of a real estate interest in the hotel. The note will be approximately \$15.8 million, which takes into account the \$15.7 million necessary to refinance the bank loan plus interest. Annual revenues from the hotel will be budgeted to repay the debt.

The Series 204 Temporary Notes will mature December 27, 2001, and will be retired using cash from the Debt Service Fund.

Motion --

Knight moved that the Declaration of Emergency be approved and the necessary signatures be authorized; the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0.

-- carried

ORDINANCE NO. 45-131

An Ordinance amending Ordinance No. 43-692; authorizing and providing for the issuance of General Obligation Improvement Temporary Notes, Series 204, of the City of Wichita, Kansas, in the total principal amount of \$15,800,000, for the purpose of providing interim financing of costs in connection with public improvements for a hotel with meeting rooms; prescribing the terms and details of the notes; providing for the payment of the notes; and making certain other covenants and Agreements with respect thereto. Knight moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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ORDINANCES

SECOND READING ORDINANCES: (FIRST READ OCTOBER 23, 2001)

- a) Charter Ordinance Amendment regarding Municipal Court Judges.

CHARTER ORDINANCE NO. 191

A Charter Ordinance A Charter Ordinance amending Section 5 of Charter Ordinance No. 90 and Section (1)(E) of Charter Ordinance No. 186 pertaining to the compensation and appointment of Municipal Court Judges, and repealing the originals of said Sections, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- b) A 01-19 – Northeast corner of Pawnee and Webb Road. (District II)

ORDINANCE NO. 45- 132

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. A01-19

PLANNING AGENDA

- Marvin Krout Director of Planning stated that the Planning Agenda could be considered as consensus, except Items 48 and 50, unless the Council desired to withhold other Items.
- Motion -- Knight moved that the Planning Agenda, except Items 48 and 50, be approved as consensus Items.
-- carried Motion carried 7 to 0.

VAC2001-00041

VAC2001-00041 – VACATE ACCESS CONTROL – NORTHEAST OF 135TH STREET WEST/MAPLE STREET. (District V)

Agenda Report No. 01-1251.

Staff Recommendation: Approve vacation of access control along Maple Street and 135th Street West.

MAPC Recommendation: Approve vacation of access control along Maple Street and 135th Street West. (unanimous)

The applicant proposes to vacate access control on 25.67-foot portions of frontage on both Maple Street and 135th St North. The applicant has purchased a 25.67-foot strip of land around the edges of the corner lot that expands. The applicant's proposal would move the existing access points on Maple and on 135th Street West to line up with the lots new northern and eastern boundaries.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

- Motion --
-- carried

Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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VAC2001-00042

VAC2001-00042 – VACATE EASEMENTS AND SETBACK – SOUTHEAST OF THE SOUTH BROADWAY/BAYLEY INTERSECTION, BETWEEN BROADWAY AND TOPEKA.

(District I)

Agenda Report No. 01-1252.

Staff Recommendation: Approve vacation of easements and setback.

MAPC Recommendation: Approve vacation of easements and setback. unanimous)

The applicants are requesting consideration to vacate the platted 15-foot building setback line running parallel to Topeka Street, on Lot 1, Immanuel Baptist Church Addition. The south portion of the 15-foot building setback line will have a parking lot approximately 60-feet wide. Because of abutting residential use, Staff recommends retaining this portion of the setback. The applicants are also requesting consideration to vacate the platted contingent 20-foot utility easement running approximately 169-foot at an approximate 30 degree angle to the northeast corner of Lot 1, Immanuel Baptist Addition and connecting to a 20-foot utility easement, dedicated by separate instrument and running approximately 354-foot north to south through the middle of Lincoln Park. The sanitary sewer in the easement in Lincoln Park was relocated by the City last year as part of the park improvements. The Park Department also dedicated a new easement for the relocated sanitary sewer that permits the basement on the church property to be vacated.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Motion --
-- carried

Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DED2001-00027

DED2001-00027 – DEDICATION OF STREET RIGHT-OF-WAY – SOUTHEAST CORNER OF 58TH STREET SOUTH AND SENECA. (District IV)

Agenda Report No. 01-1253.

MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of Lot Split Case No. SUB 2001-94, and is being dedicated for additional street right-of-way along Seneca and 58th Street South.

The Dedication has been reviewed and approved by the Planning Commission.

Motion -- carried

Knight moved that the Dedication be approved. Motion carried 7 to 0.

DED2001-00028

DED2001-00028 – DEDICATION OF ACCESS CONTROL – SOUTHEAST CORNER OF 58TH STREET SOUTH AND SENECA.

(District IV)

Agenda Report No. 01-1254.

MAPC Recommendation: Accept the dedication.

As a requirement of Lot Split No. SUB 2001-94, this dedication is being made for complete access control along Seneca Street.

The dedication has been reviewed and approved by the Planning Commission.

Motion -- carried

Knight moved that the Dedication be approved. Motion carried 7 to 0.

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DED2001-00029

DED2001-00029 - DEDICATION OF UTILITY EASEMENT – NORTH OF THE KANSAS TURNPIKE, WEST OF WEBB ROAD. (District IV)

Agenda Report No. 01-1255.

MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of Lot Split No. SUB 2001-99, and is being dedicated for construction and maintenance of public utilities.

The Dedication has been reviewed and approved by the Planning Commission.

Motion -- carried

Knight moved that the Dedication be approved. Motion carried 7 to 0.

DED2001-00030

DED2001-00030 – DEDICATION OF UTILITY EASEMENT – NORTH OF KELLOGG, WEST OF 119TH STREET WEST. (District V)

Agenda Report 01-1256.

MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of Lot Split No. SUB 2001-91 and Vacation No. VAC 2001-25, and is being dedicated for construction and maintenance of public utilities.

The Dedication has been reviewed and approved by the Planning Commission.

Motion -- carried

Knight moved that the Dedication be approved. Motion carried 7 to 0.

SUB2000-00018

SUB2000-00018 – PLAT OF ANGEL ACRES SECOND ADDITION – SOUTH OF 47TH STREET, EAST SIDE OF SENECA. (District IV)

Agenda Report No. 01-1257.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (13-0)

This plat is zoned SF-5, Single-Family Residential.

Petitions have been submitted for sewer, water, drainage and paving improvements. The petitions are non-100% and a hearing is scheduled on the same Council agenda to establish the proposed benefit district. A Certificate of Petitions has also been submitted. In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant. To provide for off-street parking for lots adjacent to narrow streets, a covenant has also been submitted requiring that four (4) off-street spaces be provided for each such lot.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificates of Petitions and restrictive covenants will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and Plat be approved; the Resolutions be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

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RESOLUTION NO. 01-454

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89623, (south of 47th Street, east of Seneca) City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-455

Resolution of findings of advisability and Resolution authorizing CONSTRUCTION OF water Distribution System Number 448-89624, (south of 47th Street, east of Seneca) City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-456

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89625, (south of 47th Street, east of Seneca) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-457

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 180 (south of 47th Street, east of Seneca) 468-83339, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-458

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 558 (south of 47th Street, East of Seneca) 468-83340, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-459

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 559 (south of 47th Street, east of Seneca), 468-83341, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 01-460

Resolution of findings of advisability and Resolution authorizing improving of 50th Street South from the east line of Sycamore to the west line of Gold; including a temporary cul-de-sac (south of 47th Street, East of Seneca), 472-83435, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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RESOLUTION NO. 01-461

Resolution of findings of advisability and Resolution authorizing improving on the west 1/2 of Gold from the south line of Block 3, Angel Acres Second Addition to the north line of Block 2, Angel Acres Second Addition, (south of 47th Street, East of Seneca), 472-83441, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

SUB2001-00078

SUB2001-00078 – PLAT OF COLLINS FIRST ADDITION – SOUTH OF KELLOGG, WEST OF MAIZE. (District V)

Agenda Report 01-1258.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

This plat is zoned SF-5, Single-Family Residential. City water is available to serve the site.

A petition, 100%, has been submitted for sanitary sewer improvements. A Certificate of Petitions has also been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petition will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and Plat be approved; the Resolutions be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 01-462

Resolution of findings of advisability and Resolution authorizing construction of Lateral 479, Southwest Interceptor Sewer (south of Kellogg, west of Maize), 468-83352, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

SUB2001-00099

SUB2001-00099 – LOT SPLIT AGREEMENT – SOUTH OF 47TH STREET SOUTH, EAST SIDE OF SENECA. (District VI)

Agenda Report No. 01-1259.

Staff Recommendation: Approve the Agreement.

This Agreement was required for the construction of a single-family dwelling within one year for the approval of a Lot Split on property zoned SF-5, Single-Family Residential. The Lot Split creates two lots, one of which contains only a garage. Since an accessory structure such as a garage is not permitted without a principal residence also being located on the same building site, this agreement was needed to assure the City of Wichita that this property will be developed in accordance with City standards.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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Z-3239

Z-3293 – EXTENSION OF TIME TO COMPLETE PLATTING REQUIREMENT FOR ZONE CHANGE FROM SINGLE FAMILY AND LIMITED COMMERCIAL TO GENERAL COMMERCIAL – NORTH OF MACARTHUR, WEST OF SENECA. (District IV)

Agenda Report 01-1260.

Staff Recommendation: Approve six-month extension of time to complete platting.

On October 27, 1998, the City Council approved a zone change from “SF-6” Single-Family Residential and “LC” Limited Commercial to “GC” General Commercial on property generally located north of MacArthur and west of Seneca. Approval of the zone change was subject to the condition of platting the property within one year. The final plat of the property was approved by the MAPC on April 15, 1999; however, the applicant indicated an unwillingness to dedicate Martinson Avenue along the west property line and began working with the adjacent property owner to the north to vacate Martinson, which prevented completion the plat prior to the deadline. Therefore, staff approved an extension of time to complete platting to October 27, 2001. The applicant indicates that the process of vacating Martinson was unsuccessful due to the unwillingness of the adjacent property owner to participate in the vacation petition; therefore, the applicant is ready to proceed with completing the plat of the property with the required dedication for Martinson and has requested an additional six-month extension of time to complete platting. MAPC Policy Statement No. 5 indicates that second extensions of time to complete platting require City Council approval.

Motion -- carried

Knight moved that the six-month extension to April 27, 2002 be approved. Motion carried 7 to 0.

(Agenda Item No. 48)

ZON2001-00001

ZON2001-00001 – ZONE CHANGE FROM LIMITED INDUSTRIAL TO SINGLE-FAMILY RESIDENTIAL AND NEIGHBORHOOD OFFICE – SOUTH OF 29TH STREET NORTH, EAST OF RIDGE ROAD (6501 WEST 29TH STREET NORTH). (District V)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 01-1261.

MAPC Recommendation: Approve subject to platting within one year and subject to the provisions of a Protective Overlay District (9-5).

DAB Recommendation: Deny (6-0).

Staff Recommendation: Approve, subject to platting within one year.

The applicant requests a zone change from “LI” Limited Industrial to “SF-5” Single-Family Residential and “NO” Neighborhood Office on a 5.53 acre unplatted tract located south of 29th Street North and east of Ridge Road. The applicant indicates that the “SF-5” Single-Family Residential zoning is requested to permit the development of seven single-family residences and the “NO” Neighborhood Office zoning is requested to provide a location for a home-based office.

The applicant is proposing to plat the subject property as the Barefoot Bay Estates Addition. The Barefoot Bay Estates Addition (SUB2000-00107) was approved by the Subdivision Committee on January 11, 2001 and deferred by the MAPC at the applicant’s request on February 22, 2001. The applicant is requesting “NO” Neighborhood Office for Lot 8 and Reserve D (both located in the northeast corner of the subject property) of the Barefoot Bay Estates Addition. The remainder of the Barefoot Bay Estates Addition (Lots 1-7 and Reserves A-C) is requested for “SF-5” Single-Family Residential zoning.

The surrounding area is characterized by a mixture of uses with industrial uses to the west and south and residential uses to the east and north. The properties located south and west of the site are zoned “LI” Limited Industrial. Most of the properties located north and east of the site are zoned “SF-5” Single Family Residential. A portion of the lake located east of the site is zoned “LI” Limited Industrial.

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At the DAB hearing on September 10, 2001, DAB V heard from concerned neighborhood property owners and voted (3-0) to defer the request for one month in order to collect more applicable information. The MAPC held a public hearing on the request at their meeting on September 20, 2001, and after hearing from concerned neighborhood property owners, voted (10-0) to defer the request for one month to allow the DAB to rehear the case and to allow the attorney for the Barefoot Bay Homeowner's Association, who could not attend the meeting, to speak to the MAPC.

At the DAB hearing on October 1, 2001, DAB V heard concerns from neighboring property owners who primarily expressed concern with the safety of the lake adjacent to the subject property if additional residences with lake access are approved. Other concerns neighboring property owners expressed to DAB V are described in detail in summaries dated September 17, 2001 and October 1, 2001. Numerous letters from neighboring property owners expressing their concerns have been received.

At the MAPC hearing on October 11, 2001, the MAPC heard from the attorney for the Barefoot Bay Homeowner's Association who spoke regarding the concerns of neighborhood property owners as outlined in a letter from Bonwell, Foster, Borniger & Ellis dated October 10, 2001. The applicant's attorney responded to the concerns of neighborhood property owners as outlined in a letter from Klenda, Mitchell, Austerman, & Zuercher dated October 5, 2001.

The MAPC voted (9-5) to approve the zone change request from "LI" Limited Industrial to "SF-5" Single-Family Residential and "NO" Neighborhood Office subject to platting the property within one year and subject to the following provisions of a Protective Overlay District:

1. The density of the subject property shall be limited to 8 dwelling units on no more than 8 lots.
2. Office use on the portion of the subject property zoned "NO" Neighborhood Office shall be limited to a home occupation as permitted by Sec. IV-E of the Unified Zoning Code, except that up to four persons not occupying the dwelling unit may be employed in the home occupation.
3. If consented to by the Barefoot Bay Owners' Association, the subject property shall be subject to "Covenants, Conditions, and Restrictions of Barefoot Bay" as recorded on Film 1479, Pages 0204-0230 or as otherwise agreed to from time to time between the owner of the subject property and the Barefoot Bay Owners' Association.

Protest petitions representing 80.7% of the property within 200 feet of the subject property have been received. Numerous protest petitions representing properties more than 200 feet from the subject property also have been received. The amount of property within 200 feet of the subject property owned by the protestors exceeds 20%; therefore, a three-fourths majority vote (6 of 7) of the City Council is required to approve the request.

Motion --

Martz moved to deny the zone change request, based on the following reasons:

1. The zoning and land use pattern in this general area is somewhat unique for the city, with a mix of residential and industrial districts. As I understand it, this is largely a result of the County zoning a square mile area centered at 29th and Ridge Road many years ago. Some of the land, like the Barefoot Bay additions, has been down-zoned and developed with single family lots, but other land has been developed and is still being planned for development for commercial and industrial uses. In that context, leaving the Industrial-1 district on the request site is not really out of character with the pattern of the larger area.
2. The applicant has not provided any information to suggest that this property is not suitable to be put to any of the uses that are permitted by the current zoning. The Industrial-1 district allows a wide range of uses, from office to commercial to industrial. Properties in this area have developed for office and industrial uses already, and I understand that a plat is now being processed for a commercial/industrial addition on a nearby property north of 29th and west of Ridge Road.
3. There is substantial testimony in the record from nearby homeowners, in the minutes and

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letters that have been submitted, that the increase of boating activity on this lake as a result of permitting eight additional lots would be substantial and affect the safety and enjoyment of the lake. Although this lake is privately owned, it can be considered a "community facility" because it is owned by many property owners, and the impact of a zoning change on community facilities is a factor that this board can consider in this case. As was suggested in the minutes of the MAPC meeting, this lake can be compared to an arterial street where we take the traffic capacity of the street into consideration when making a decision on a zoning request.

4. Finally, there is substantial neighborhood opposition to this request. This is evidenced by the very thick package of letters that we received with the agenda report, the numerous residents who spoke at the MAPC and DAB meetings in opposition to this request, the protest petitions that total more than 80 percent of the land area within 200 feet of the property in question, and the vote of the District V Advisory Board to recommend denial.

carried

Motion carried 7 to 0.

ZON2001-00054

ZON2001-00054 – ZONE CHANGE FROM LIMITED COMMERCIAL TO GENERAL COMMERCIAL – NORTH OF KELLOGG AND EAST OF TYLER ROAD/8404 WEST KELLOGG. (District V)

Agenda Report No. 01-1262.

MAPC Recommendation: Approve (14-0).

Staff Recommendation: Approve.

The subject property is located north of Kellogg and east of Tyler. The subject property is a portion of a platted lot containing 0.27 acres that currently is developed with a parking lot and drive-through for the credit union. The applicant owns the properties adjoining the site to the east and west and both are zoned "GC" General Commercial. The applicant would like for the entire ownership to be zoned "GC" General Commercial to allow for the sale of vehicles and boats repossessed by the credit union.

On June 29, 2000, the MAPC voted (12-0) to rezone (ZON2000-00021) a portion of the applicant's property located west of the subject property from "LC" Limited Commercial to "GC" General Commercial. At that time, the applicant was under the impression that the rezoning included the subject property; however, the legal description submitted by the applicant did not include the subject property. Therefore, an additional zone change request is required to rezone the applicant's entire ownership to "GC" General Commercial.

The City of Wichita and the applicant have recently negotiated a right-of-way agreement for the proposed expansion of West Kellogg. As a result, the applicant intends to demolish all three of his buildings and is in the process of constructing one large credit union on-site. Since the credit union routinely has clients who default on their loans for vehicles and boats, the applicant wants to display repossessed items on-site until they are sold.

The character of the surrounding area is commercial. To the north across McCormick is a Home Depot on property zoned "LC" Limited Commercial. To the west is the applicant's new credit union building under construction on property zoned "GC" General Commercial. To the east is the applicant's current credit union that will be demolished on property zoned "GC" General Commercial. To the south across Kellogg is a motel on property zoned "LI" Limited Industrial.

At the MAPC hearing on October 11, 2001, no speakers, other than the applicant's agent, appeared either for or against the request. The MAPC voted (14-0) to approve the request.

Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

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ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, introduced and under the rules laid over. ZON2001-00054

(Agenda Item No. 50)
ZON2001-00055

ZON2001-00055 – ZONE CHANGE FROM TWO-FAMILY RESIDENTIAL TO NEIGHBORHOOD RETAIL OFFICE – SOUTHWEST CORNER OF SENECA AND CRAWFORD. (District IV)

Agenda Report No. 01-1263.

MAPC Recommendation: Approve, subject to the provisions of a (P-O) Protective Overlay, with in only access permitted on Seneca and dedication of a two-foot utility easement (9-5).

Staff Recommendation: Approve, with access limited to Crawford and dedication of a two-foot utility easement (6-0).

DAB Recommendation: Approve, subject to the provisions of a (P-O) Protective Overlay, with in only access permitted on Seneca and dedication of a two-foot utility easement (6-0).

The applicant is requesting “NO” Neighborhood Office on two, platted lots (Lots 10 & 11, Block 7, Westway Park Addition) located on the southwest corner of the Seneca – Crawford intersection, one block southwest of the Seneca – Pawnee intersection. Lot 11, is a corner lot with Lot 10 the first lot, on Crawford, to the west of it. The properties are currently zoned “TF-3”. Lot 11 is developed with a single-family residence, with the house and its driveway oriented onto Seneca. There is wooden fence on the south (abutting a single family residence on SF-5 zoning) and east sides. Lot 10 is not developed and appears to be part of the lawn of Lot 11, there is no access onto Lot 10, via a curb cut. Currently the applicant has converted the attached garage into an insurance office; per UZC, this is a permitted home occupancy. The owner intends to redevelop the property as an office, and move to a different home. The two lots together appear to be large enough to be developed into a non-residential use.

There is a large retail strip center (CUP DP-21, across Crawford Street) north of the properties, which contains restaurants, offices and retail. The strip extends 2 blocks west of Seneca and takes up the first block south of the Pawnee – Seneca intersection. There is access to the strip (besides the access off of Seneca and Pawnee) from Crawford Street, facing the applicant’s property. There is mixed retail, a movie theater, restaurants, fast food restaurants, and offices to the northeast and southeast (across Seneca) of the subject properties. There appears to be only two single-family residences on the east side of Seneca from Pawnee to 31st Street South. Southwest of the properties along Seneca from Pawnee to 31st Street South, there are single-family residences broken by churches, schools and offices. These non-residential uses and structures are usually occupying either the corner lot or lots; the west side of Seneca has more single-family residential zoning and development than the east side.

The proposed conversion of the property to office use would entail providing off-street parking and screening in accordance with the zoning code. Compatibility setbacks normally would not be required if the conversion does not involve new construction. Similarly, the Landscape Ordinance normally would not be triggered unless the increased value after conversion to the non-residential use was more than 50 percent of the original improvements.

Staff recommended approval of the request, subject to a two-foot utility easement dedication and the following Protective Overlay:

1. The property shall be developed and/or redeveloped with a building that has a residential character, and that includes brick, masonry, wood or composite siding; a double-pitched roof with a minimum vertical rise of 4 inches for every twelve inches; and a maximum height of 25 feet.
2. Freestanding signs shall be monument-type with a maximum height of 8 feet.

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3. Per Traffic Engineer's recommendation the existing access onto Seneca will be closed with access being onto Crawford Street.
4. Lighting shall conform to lighting standards in Sec. IV-B.4 of the Unified Zoning Code and be limited to no more than 14 feet in height.
5. Parking shall meet the UZC requirements.
6. Landscaping shall be provided that is equivalent to a landscaped street yard, parking lot landscaping and screening along Seneca, and a buffer along the property lines adjoining a residential district, as required in the City of Wichita Landscape Ordinance. A Landscape Plan shall be submitted to the Director of Planning for approval prior to the issuance of a building permit.

At the DAB IV meeting on October 4, 2001 the applicant's agent requested that the DAB recommend amending the Protective Overlay by changing conditions #1 and #3. The agent's requested that the pitch on the roof be a minimum vertical rise of 3 inches for every twelve inches (#1), rather than the Staff's recommended minimum vertical rise of 4 inches for every twelve inches and to allow access onto Seneca as right in only from the existing drive (#3), rather Staff's recommendation that the existing access onto Seneca be closed, with access being onto Crawford Street. The DAB approved the zoning change request with the agent's request for the changes to the Protective Overlay on conditions #1 and #3. No one spoke in opposition to the case at the DAB IV meeting.

At the MAPC hearing on October 11, 2001 the MAPC approved, 9-5, the zoning change request with the changes made to the Protective Overlay as approved at the DAV IV meeting. No one spoke in opposition to the case at the MAPC hearing.

After the MAPC meeting, Staff determined that the length of planned expansion to the existing building was forcing a one way-configuration of the proposed parking lot, which in turn dictated the request for a one-way drive on Seneca. Staff has requested that the applicant consider a reconfiguration or reduction of the proposed expansion area to permit the parking and access to be redesigned to allow all access onto Crawford, per Staff recommendation, rather than the in only access onto Seneca. Staff will report on the applicant's response at the Council meeting.

Vice Mayor Pisciotte

Vice Mayor Pisciotte inquired if anyone wished to be heard and no one appeared.

Motion --

Gale moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the recommended provisions of a Protective Overlay District, within only access permitted on Seneca, and subject to the dedication of two-foot utility easement, and the Ordinance be placed on first reading with publication being withheld until such time as the Plat has been recorded with the Register of Deeds. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, introduced and under the rules laid over. ZON2001-00055

ZON2001-00057

ZON2001-00057 – ZONE CHANGE FROM MULTI-FAMILY RESIDENTIAL TO GENERAL COMMERCIAL – BETWEEN PENNSYLVANIA AND HYDRAULIC, NORTH OF 2ND STREET. (District I)

Agenda Report No. 01-1264.

MAPC Recommendation: Approve, subject to staff comments (11-3).

Staff Recommendation: Approve, subject to the dedication of access control, with one point of access from Hydraulic and Pennsylvania; subject to the dedication of 20 feet of

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right-of-way on Hydraulic; and subject to the dedication of 2.6 feet rear alley utility easement.

DAB Recommendation: Approve, subject to staff comments (7-0).

The applicant is requesting "GC" General Commercial zoning on .7-acres between Pennsylvania and Hydraulic, north of East 2nd Street (345 North Hydraulic Ave). The property is currently zoned "B" Multi-Family. Two of the five application area lots are developed with single-family homes, one located on Hydraulic and the other on Pennsylvania; these homes are currently used as rental properties. The remaining three application area lots are vacant.

The application area abuts "GC" zoned property to the north and south, and faces "B" zoned property across Hydraulic and Pennsylvania to the east and west. The neighboring property to the north on Hydraulic was rezoned from "B" to "GC" earlier this year. The area surrounding the application property is characterized by several vacant lots, single-family housing in poor condition, auto based businesses, and contractor-based businesses. The proposed zone change, from "B" to "GC," would require conformance to all property development standards in the Unified Zoning Code.

The District Advisory Board (DAB) for District I heard the zone change request on 10-1-01. DAB I members discussed concerns regarding traffic near a school, building height, informing nearby residents, and removal of older homes. DAB I then voted 7-0 to recommend approval of the requested zone change, subject to staff comments.

The Metropolitan Area Planning Commission (MAPC) then heard the zone change request on 10-11-01. The agent for the applicant, Kim Edgington of Austin-Miller, PA, requested two points of access from Hydraulic, as opposed to the one point of access recommended by Planning Staff. MAPC members discussed the zone change request, and the property owner's plans with the agent. The agent stated that the property owner has other property on the same contiguous block, the property owner has not confirmed his plans, but he intends to develop the property with lease office and storage space for small contractors. The MAPC determined that the property owner's other lots on the same block will provide the owner with more than one point of access onto Hydraulic. A motion was then made to approve the zone change, subject to staff recommendations. The motion carried by a vote of 11 to 3.

Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved; and the Ordinance be placed on first reading with publication being withheld until such time as the three dedication instruments have been submitted. Motion carried 7 to 0.

-- carried

ORDINANCE

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ZON2001-00058

ZON2001-00058 – ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO MULTI-FAMILY RESIDENTIAL WITH A PROTECTIVE OVERLAY TO MATCH EXISTING ZONING OF REMAINDER OF LOT – ONE-HALF MILE NORTH OF PAWNEE, EAST OF WEBB ROAD. (District II)

Agenda Report 01-1265.

MAPC Recommendation: Approve, subject to platting within 1-year and subject to the provisions of (PO) Protective Overlay #83. (14-0).

Staff Recommendation: Approve.

The applicant requests a zone change from "SF-20" Single-Family Residential to "MF-18" Multi-Family Residential on a 1.4 acre portion of land within an unplatted tract, located on the east side of

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Webb Road, ½ mile north of Pawnee. The applicant wishes to change the zoning to match approved zoning for the remainder of the tract, to include a protective overlay. This zone change request is intended to rectify a design change since a previous rezoning of this tract. The original design for this development included Mount Vernon as a through street; a zone change from “SF-20” to “MF-18” was approved based on this original design. The applicant since changed the development design, eliminating Mount Vernon as a through street. Because the advertised legal description for the original, approved zone change did not include the current application area, the applicant must now rezone this area.

The applicant indicated, when the previous zone change was approved, that the development will consist of patio homes at a density of approximately six units per acre. Multi-family zoning is requested to permit condominium ownership, consisting of multiple dwelling units on a single lot. The original zone change request was approved, with a protective overlay (PO #83), by MAPC (10-0) on December 7, 2000, and then approved by the Board of County Commissioners (4-0) on January 17, 2001. The protective overlay reads as follows:

1. Residential development on the site shall be developed in general conformance with a development plan to be approved by the Planning Director prior to the issuance of building permits.
2. The development plan may contain a mixture of housing types as long as the overall residential density of the development does not exceed 6 units per acre.

A final plat (SUB2000-00055, Maple Shade Addition) was approved by MAPC (14-0) on July 5, 2001. A revised final plat was approved by MAPC (10-0) on August 23, 2001. The revised design requires this requested zone change. The application area, and its entire development, anticipates annexation by the City of Wichita.

Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the zone change be approved subject to the provisions of a Protective Overlay District and subject to platting within one year; and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, introduced and under the rules laid over. ZON2001-00058

ZON2001-00059

ZON2001-00059 – ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO TWO-FAMILY RESIDENTIAL – EAST SIDE OF CHASE STREET, SOUTH OF MAPLE.

(District IV)

Agenda Report No. 01-1266.

MAPC Recommendation: Approve (13-0).

Staff Recommendation: Approve.

DAB Recommendation: Approve (6-0).

The applicant requests “TF-3” Two-Family zoning on a platted, infill lot located on the east side of Chase, south of Maple, at 322 Chase. The vacant property is currently zoned “SF-5” Single-Family. “TF-3” zoned properties exist along both sides of this section of Chase Street, including a property two lots south of the application area. This section of Chase is a mixture of “SF-5” and “TF-3” zoning. To the north of the application area, all properties facing Maple Street are zoned “TF-3.”

The “Wichita Land Use Guide” of the 1999 Update to the Wichita-Sedgwick County Comprehensive Plan identifies this area as “medium density residential.” The Unified Zoning Code states that the “TF-3” zone is generally compatible with the “medium density residential” designation in the Comprehensive Plan. The Planning Staff has suggested that the designation be changed to “low density residential” in the proposed land use guide that is currently under consideration.

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In some previous applications to do infill at a higher density, staff has proposed special conditions by Protective Overlay to ensure that the new development is compatible with the surrounding residences. Initially, staff had some concern about how this very small, narrow lot could be developed properly for two dwelling units. Maintaining a consistent setback, using the same materials and forms of existing homes, minimizing the visual impact of parking, and creating an entrance feature facing the street are the kinds of issues that may need to be addressed in certain areas. However, in this case, the variety of housing types and styles in the surrounding area does not seem to warrant special regulations.

Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, introduced and under the rules laid over. ZON2001-00059

A01-18

A01-18 – ANNEX SECTIONS OF WEBB ROAD AND 21ST STREET NORTH RIGHTS-OF-WAY. (Districts II and V)

Agenda Report No. 01-1267.

Recently the Public Works Departments of the City of Wichita and Sedgwick County reviewed the arterial streets on the periphery of the City to determine if certain arterial street segments should be annexed and maintained by the City of Wichita. Street segments were considered for annexation if, based on City policy, the street segment abuts the City for a ½ mile or more, or the property on both sides of the street is in the City. This review identified three segments to be annexed by the City of Wichita.

21st Street North: From Wawona east to 127th Street East, this segment of 21st Street North proposed for annexation abuts the City on both sides for approximately ¼ mile or more. The remainder of the mile segment is already within the City.

Webb Road: From Pawnee north approximately ½ mile, two segments are proposed for annexation. These segments abut the City on one side, and the annexation of these segments makes for a more straight and harmonious boundary.

The City Public Works Department estimates the annual maintenance costs of the street segments proposed for annexation to be \$9,000 per lane mile. The street segments proposed for annexation are 2-lane or 3-lane roadways. The following shows the estimated annual maintenance cost by street segment:

<u>Street Segment</u>	<u>Estimated Annual Maintenance Cost</u>
21st Street North (3-lane)	\$ 6,750.00
Webb Road (2-lane)	<u>\$ 9,000.00</u>
Total	\$15,750.00

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion --

Knight moved that the annexation be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

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ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A01-18

AIRPORT AGENDA

Chris Cherches

City Manager stated that the Airport Agenda could be considered as consensus unless the Council desired to withhold Items.

Pisciotte moved that the Airport Agenda be considered as consensus unless the Council desired to withhold Items. Motion carried 7 to 0.

AIRPORT

AGREEMENT - FLIGHTSAFETY INTERNATIONAL.

Agenda Report No. 01-1268.

In 1975, FlightSafety International (FSI) entered into a lease agreement with the Wichita Airport Authority for the construction of a facility at 1951 Airport Road. In 1980, this lease was incorporated into a bond lease which also provided for the construction of two additional facilities located at 1851 Airport Road and 2 Learjet Way. In 1990, the bonds were refunded, and a new lease agreement was entered into through 2001 with three five-year renewal options.

FSI is now desirous of constructing a \$3 Million expansion to the facility located at 1951 Airport Road. FSI intends to finance the facility expansion with Airport Special Facility Revenue Bonds and to purchase additional simulators with Industrial Revenue Bonds. Documents associated with the bond issue will be submitted in the near future for City Council/Airport Authority approval. The agreement includes three additional five-year options beyond 2016.

Land rental rates for the existing three facilities were established in the 1990 agreement, with the exception of 15,000 sq. ft., which will be added as a result of the expansion. The additional land area will be leased at the current land rental rate which is \$.2081/sq.ft. Options beyond 2016 call for fair market rental value on the original facilities.

Motion --
-- carried

Pisciotte moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

AIRPORT

SUPPLEMENTAL AGREEMENT NO. 6 – HARRISON ARMSTRONG SHOESHINE CONCESSION.

Agenda Report No. 01-1269.

Harrison Armstrong has operated the shoeshine concession in the terminal building on Wichita Mid-Continent Airport for approximately 11 years. Prior to that, the concession was operated by Conner Shoeshine. Services are provided 12 hours each day, Monday through Friday.

Demand for this service has decreased over the years as a result of travelers dressing more casually than they have in the past. However, there are those travelers who still seek out the service. During 2000, 3,656 customers utilized this service.

Shoeshine revenue to the Airport Authority is modest—the WAA receives 10% of the gross receipts, which amounts to approximately \$1,200 per year.

Motion --
-- carried

Pisciotte moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

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AIRPORT

AIRLINE USE AGREEMENT – SKYWEST AIRLINES.

Agenda Report No. 01-1270.

ASA, a Delta Connection, currently operates five daily round-trip flights between Wichita and Dallas/Ft. Worth using 30-passenger Embraer Brasilia turboprop aircraft. Beginning December 1, SkyWest, another Delta Connection, will replace three of ASA's turboprop aircraft with 50-passenger Canadair regional jets (CRJs). Passengers will be afforded departure times between 5:45 a.m. and 5:20 p.m., and will be able to connect to more than 300 flights operated each day by Delta and Delta Connection out of hubs in Atlanta, Cincinnati and Dallas/Ft. Worth.

The Wichita Airport Authority has a standard lease and use agreements with the passenger carrying airlines serving Wichita Mid-Continent Airport. This agreement offers the same terms and conditions as those offered to other passenger-carrying airlines. The security agreement covers the shared costs of a dedicated law enforcement officer to the passenger screening process. All current agreements expire on December 31, 2002.

This agreement establishes the basis for consistently calculating the rates that apply to signatory passenger airlines at Wichita Mid-Continent Airport. The current landing fee rate is \$1.73 per thousand pounds of maximum gross landed weight and the average terminal rate is \$27.13 per sq. ft. SkyWest will be handled by ASA; and, therefore, will not be renting any exclusive use terminal space. A security deposit equal to two month fees is required.

Motion --
-- carried

Pisciotte moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

EXECUTIVE SESSION

Motion --

-- carried

Knight moved that the City Council recess and move to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to legal advice; preliminary discussions relating to the acquisition of real property for public purposes; matters relating to security of public bodies or agencies, public buildings or facilities, or information systems; and return to regular session at approximately 12:20 p.m. Motion carried 7-0.

RECESS

The City Council recessed at 11:07 a.m. and reconvened at 12:22 p.m.

Mayor Knight

Mayor Knight announced that no action was necessary as a result of the executive session.

ADJOURNMENT

The City Council meeting adjourned at 12:22 p.m.

Pat Burnett CMC
City Clerk

City Council and County Commission members will participate in a tour of the Floodway following the Council Meeting.